FORM NLRB-501 (3-21)

### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

**CHARGE AGAINST EMPLOYER** 

DO NOT WRITE IN THIS	SPACE
<sup>Case</sup> 28-CA-309929	Date Filed
28-CA-309929	January 6, 2023

#### INSTRUCTIONS:

File an original with NLRB Regional Director for the region in		ıg.
1. EMPL	OYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Tel. No.
Kaiser Aluminum		(520) 796-1097
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	1
6573 W Willis Rd	(b) (6), (b) (7)(C)	g. e-mail
		(b) (8), (b) (7)(C) @kaiseraluminum.com
AZ Chandler 85226		
7/2 Chandier 65226		h. Number of workers employed
		100
i. Type of Establishment (factory, mine, wholesaler, etc.)		
Others	Hard Alloy Extrusion	
The above-named employer has engaged in and is engag		
(list subsections) 5,1		elations Act, and these unfair labor
practices are practices affecting commerce within the mea	aning of the Act, or these unfair labor practices are practic	es affecting commerce within the
meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise state	ement of the facts constituting the alleged unfair labor prac	tices)
See additional page		
arty filing charge (if labor organization, g	ive full name, including local name and number)	
(b) (6), (b) (7)(C) arty lilling charge (ii labor organization, g	, ,	
4a. Address (Street and number, city, state, and ZIP code	9)	4b. Tel. No.
, , , , ,	,	(b) (6), (b) (7)(C)
		4c. Cell No.
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
		4d. Fax No.
		Tall and
		4e. e-mail
		(b) (6), (b) (7)(C)
5. Full name of national or international labor organization	n of which it is an affiliate or constituent unit (to be filled in w	
an name or national of international labor organization	To this trib an animate of constituent and file se mea m	nen onarge to med by a labor organization,
	ARATION	Tel. No.
	ve charge and that the statements	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	ly knowledge and belief.	Office, if any, Cell No.
	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
(signature of representative or person making charge)	(Print/type name and title or office, if any)	Fax No.
(b) (6), (b) (7)(C)	(i into type hame and the or office, if any)	
(b) (b), (b) (1)(b)		e-mail
Addres	Date 01/06/2023 11:56:11 AM	(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

### **Basis of the Charge**

#### 8(a)(1)

Within the previous six-months, the Employer has interfered with, restrained, and coerced its employees in the exercise of rights protected by Section 7 of the Act by maintaining work rules that prevent or discourage employees from engaging in protected concerted activities.

Work Rule

Refusal of pay per hour for assignment

#### 8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.



#### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 28 2600 North Central Avenue -Suite 1400 Phoenix, AZ 85004-3099 Agency Website: www.nlrb.gov Telephone: (602)640-2160 Fax: (602)640-2178 Download NLRB Mobile App

January 6, 2023

Kaiser Aluminum 6573 West Willis Road Chandler, AZ 85226

> Re: Kaiser Aluminum Case 28-CA-309929

#### Ladies and Gentlemen:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Nestor Miguel Zarate-Mancilla whose telephone number is (602)416-4771. If this Board agent is not available, you may contact Deputy Regional Attorney David T. Garza whose telephone number is (505)313-7216.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as

soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

- 3 -

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Barbara B. Baynes

Barbara B. Baynes Acting Regional Director

#### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

BBB/NMZM/kdc

FORM NLRB-5081 (3-11)	NATIONAL I	ABOR RELATIO	NS BOARD			
	IONNAIRE O	N COMMERC	E INFORMATI	ON		
Please read carefully, answer all applicable items, and re	eturn to the NLRB (	Office. If additional s	space is required, plea	ase add a page	e and identify item number	:
CASE NAME					CASE NUMBER 28-CA-309929	
1. EXACT LEGAL TITLE OF ENTITY (As filed v	with State and/or	stated in legal doc	uments forming ent	ity)		
2. TYPE OF ENTITY						
[] CORPORATION [] LLC [] LLP [	] PARTNERSHI	P [] SOLE PR	OPRIETORSHIP	[] OTHER	R (Specify)	
3. IF A CORPORATION or LLC						
A. STATE OF INCORPORATION OR FORMATION	B. NAME, AI	DDRESS, AND RE	LATIONSHIP (e.g. p	arent, subsidi	ary) OF ALL RELATED	ENTITIES
4. IF AN LLC OR ANY TYPE OF PARTNERSH	IP, FULL NAME	AND ADDRESS	OF ALL MEMBER	S OR PART	NERS	
5. IF A SOLE PROPRIETORSHIP, FULL NAMI	E AND ADDRES	S OF PROPRIETO	OR .			
6. BRIEFLY DESCRIBE THE NATURE OF YO	UR OPERATION	IS (Products handle	ed or manufactured, o	or nature of se	ervices performed).	
7A. PRINCIPAL LOCATION:		7B. BRANCH L	OCATIONS:			
8. NUMBER OF PEOPLE PRESENTLY EMPLO	T	DDDEGG BRIOLI	ED DI TING MATTE			
A. TOTAL:			ED IN THIS MATTI		I VEAD (EV DATEC	,
9. DURING THE MOST RECENT (Check the app	propriate box): [	CALENDAR	J12 MONTHS 0	r [ ] FISCA	YES	NO NO
A. Did you provide services valued in excess of \$50.	,000 directly to cus	stomers outside you	r State? If no, indica	te actual valu		
B. If you answered no to 9A, did you provide service goods valued in excess of \$50,000 from directly or				_	1	
provided. \$						
C. If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting			_	_		
If less than \$50,000, indicate amount. \$	suuons, commerc		ionai mananona, or	reum concern	.5:	
D. Did you sell goods valued in excess of \$50,000 did amount. \$	rectly to customers	located outside yo	ar State? If less than	\$50,000, indic	cate	
E. If you answered no to 9D, did you sell goods value				-		
purchased other goods valued in excess of \$50,000 \$	) from directly out	side your State? If	less than \$50,000, in	dicate amoun	ıt.	
F. Did you purchase and receive goods valued in exindicate amount. \$	ccess of \$50,000 fr	om directly outside	your State? If less t	han \$50,000,		
G. Did you purchase and receive goods valued in ex	ccess of \$50,000 fr	om enterprises who	received the goods of	lirectly from		
points outside your State? If less than \$50,000, i	indicate amount. \$					
L L C D						
H. Gross Revenues from all sales or performance o [ ] \$100,000 [ ] \$250,000 [ ] \$500,000	f services (Check			mount.		
-	f services (Check [ ] \$1,000,000 or	more If less than		mount.		
[]\$100,000 []\$250,000 []\$500,000	f services (Check [ ] \$1,000,000 or onths? If yes, sp	more If less than	\$100,000, indicate a	_	ECTIVE BARGAININ	G?
[ ] \$100,000 [ ] \$250,000 [ ] \$500,000  I. Did you begin operations within the last 12 mo	f services (Check [ ] \$1,000,000 or onths? If yes, sp	more If less than ecify date: MPLOYER GRO	\$100,000, indicate a	_	ECTIVE BARGAININ	G?
[ ] \$100,000 [ ] \$250,000 [ ] \$500,000  I. Did you begin operations within the last 12 mo  10. ARE YOU A MEMBER OF AN ASSOCIATION	f services (Check [ ] \$1,000,000 or onths? If yes, sp ON OR OTHER E  of association or gr	more If less than ecify date:  MPLOYER GRO oup).  INFORMATION	\$100,000, indicate a	ES IN COLL		G?

### 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

#### PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

#### **UNITED STATES OF AMERICA**

#### BEFORE THE NATIONAL LABOR RELATIONS BOARD

Case 28-CA-309929

bei one me namon	AL LABOR RELATIONS BO
KAISER ALUMINUM	
Charged Party	
and	G 20 G4 2000

(b) (6), (b) (7)(C) AN INDIVIDUAL

**Charging Party** 

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 6, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Kaiser Aluminum 6573 West Willis Road Chandler, AZ 85226

January 6, 2023	Karen Carter, Designated Agent of NLRB
Date	Name
	/s/ Karen D. Carter
	Signature



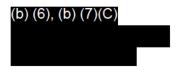
#### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

2600 North Central Avenue -Suite 1400



Agency Website: www.nlrb.gov Telephone: (602)640-2160 Fax: (602)640-2178 Download NLRB Mobile App

January 6, 2023



REGION 28

Phoenix, AZ 85004-3099

Re: Kaiser Aluminum Case 28-CA-309929

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on January 06, 2023 has been docketed as case number 28-CA-309929. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Nestor Miguel Zarate-Mancilla whose telephone number is (602)416-4771. If this Board agent is not available, you may contact Deputy Regional Attorney David T. Garza whose telephone number is (505)313-7216.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other

witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records

Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Barbara B. Baynes

Barbara B. Baynes Acting Regional Director

#### Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

BBB/NMZM/kdc



# **Important Information About NLRB Investigations for Immigrant Workers**



## The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- ➤ Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

## Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
  - We will **NOT** ask you about your immigration status.
  - O You **DO NOT** need to share any information with us about your immigration status.
  - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will NOT disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

For more information on the NLRB, please visit our website, www.nlrb.gov.



### Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

# A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
  - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
  - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
  - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

Para más información acerca de la NLRB, por favor visite nuestra página web, <a href="www.nlrb.gov">www.nlrb.gov</a>.

#### NATIONAL LABOR RELATIONS BOARD

#### NOTICE OF APPEARANCE

Individual,	
Charging Party,	
and	CASE 28-CA-309929
Kaiser Aluminum,	
Employer,	
EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Wash ngton, DC 20570	GENERAL COUNSEL  NATIONAL LABOR RELATIONS BOARD  Wash ngton, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT	IVE OF
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY  IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY V DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFOR	MATION)
Alan M. Bayless Feldman, Jackson Lewis P.C.	
2111 E. Highland Avenue, Suite B-250, Pho	penix, AZ 85016
E-MAIL ADDRESS: Alan.Feldman@jacksonlewis.com	
OFFICE TELEPHONE NUMBER: 602-714-7042	
CELL PHONE NUMBER:	602-714-7045 <i>FAX</i> :
SIGNATURE: /s/ Alan M. Bayless Feldman (Please sign in ink.) DATE: January 9 2023	

 $<sup>^{\</sup>rm 1}$  IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

FORM NLRB-501 (3-21)

# UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS	SPACE
Case	Date Filed
28-CA-310678	January 10, 2023

INSTRUCTIONS:

Eile an eriginal with NI DD Des	ional Director for the region in which	sh tha allamad umfairlahar araat	ion a courred or ic a courring
r ile an offulnai with NERB Red	ional Director for the region in which	ai the alleueu unian iaboi biact	ice occurred or is occurring.

a. Name of Employer SanTan Brewing    b. Tel. No. (480) 917-8700		which the alleged unfair labor practice occurred or is occur. OYER AGAINST WHOM CHARGE IS BROUGHT	ing.
SanTan Brewing  (480) 917-8700  c Coll No.  f. Fax. No.  d. Address (Street, city, state, and ZIP code)  8 San Marcos PI  AZ Chandler 85225  (b) (6) (b) (7)(C)  g. e-mail  g. e		O LENAUAII VI I VII I I I I I I I I I I I I I I	h Tol No
d. Address (Street, city, state, and ZIP code) 8 San Marcos PI AZ Chandler 85225  AZ Chandler 85225  B. Light (b) (6) (b) (7) (c)  Q. e. mail  AZ Chandler 85225  In type of Establishment (factory, mine, wholesaler, etc.) Is Identify principal product or service Food ser			
d. Address (Street, city, state, and ZIP code) 8 San Marcos PI  AZ Chandler 85225  AZ Chandler 85225  L Type of Establishment (Pactory, mine, wholesaler, etc.) Restaurants Food service Fo	Sanran brewing		•
d. Address (Street, city, state, and ZIP code) 8 San Marcos PI AZ Chandler 85225  a. Employer Representative (b) (6), (b) (7)(C)  a. Horizonal Labor Relative Representative Relations Act, and the seminary of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page-  (b) (6), (b) (7)(C)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(C)  4b. Tet No.  (c) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4d. e. e-mail (c) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filted in when charge is filed by a labor organization)  1 declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Office, if any, Cell No.  Office, if any, Cell No.  Office, if any, Cell No.			c. Cell No.
d. Address (Street, city, state, and ZIP code) 8 San Marcos PI AZ Chandler 85225  a. Employer Representative (b) (6), (b) (7)(C)  a. Horizonal Labor Relative Representative Relations Act, and the seminary of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page-  (b) (6), (b) (7)(C)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(C)  4b. Tet No.  (c) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4d. e. e-mail (c) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filted in when charge is filed by a labor organization)  1 declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Office, if any, Cell No.  Office, if any, Cell No.  Office, if any, Cell No.			
8 San Marcos Pl  AZ Chandler 85225  (b) (6), (b) (7)(C)  [g. e-mail			f. Fax. No.
AZ Chandler 85225  I. Type of Establishment (factory, mine, wholesaler, etc.)   Identify principal product or service   Food service   Restaurants   Food service   The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and of the National Labor Relations Act, and these unfair labor practices are practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page  (D)(6), (D)(7)(C)   Titling charge (if labor organization, give full name, including local name and number)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(C)  4b. Tel. No.  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Office, if any, Cell No.	d. Address (Street, city, state, and ZIP code)	e. Employer Representative	
AZ Chandler 85225  i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Restaurants  The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (sits subsections) 1 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page  (b) (6), (b) (7)(c)  1y filling charge (if labor organization, give full name, including local name and number)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(c)  4b. Tel. No.  (c) (d) (e) (e) (f)(c)  4c. Cell No.  4d. Fax No.  4e. e-mail (b) (6), (b) (7)(c)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  Fel. No.  (b) (6), (b) (7)(C)  1 declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Coffice, if any, Cell No.	8 San Marcos PI	(b) (6), (b) (7)(C)	g. e-mail
i. Type of Establishment (factory, mine, wholesaler, etc.) j. Identify principal product or service Restaurants Food service Food servi			®)(6),(8)(7) @santanbrewing.com
I. Identify principal product or service Food service The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page  (b) (6), (b) (7)(C)  ty filling charge (if labor organization, give full name, including local name and number)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  1 declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  City (c), (d) (7)(C)  (d)	AZ Chandler 85225		h. Number of workers employed
Food service			· · ·
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 1 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page  (b) (6), (b) (7)(c) by filing charge (if labor organization, give full name, including local name and number)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(c)  4b. Tel. No.  (b) (6), (b) (7)(c)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(c)  1 declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(c)  (c) (fine, if any, Cell No.	i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
(list subsections) 1  of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page  (b) (b) (c) (c) (d) (e) (e) (f) (e) (f) (f) (f) (f) (f) (f) (f) (f) (f) (f	Restaurants	Food service	
(list subsections) 1  of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page  (b) (b) (c) (c) (d) (e) (e) (f) (e) (f) (f) (f) (f) (f) (f) (f) (f) (f) (f	The above-named employer has engaged in and is engaged	ging in unfair labor practices within the meaning of section	n 8(a), subsections (1) and
practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page  (b) (6), (b) (7)(c) ty filling charge (if labor organization, give full name, including local name and number)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(C)  4b. Tel. No.  (c) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is flied by a labor organization)  6. DECLARATION  1. declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Fail No.  6. DECLARATION  1. declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)	(list subsections) 1		
Tel. No.  1. See additional of the Act and the Postal Reorganization Act.  2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page  (b) (6), (b) (7)(c)  1. If filing charge (if labor organization, give full name, including local name and number)  4a. Address (Street and number, city, state, and ZIP code)  4b. Tel. No.  (b) (6), (b) (7)(c)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(c)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  1. declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  5. Full organization of my knowledge and belief.  (b) (6), (b) (7)(C)  5. Full organization of my knowledge and belief.  (c) (6), (b) (7)(C)  6. DECLARATION  1. DECLARATION  2. DECLARATION  3. DECLARATION  4. DECLARATION  4. DECLARATION  5. DECLARATION  6. DECLARATION  1. DECLARATION  1. DECLARATION  1. DECLARATION  2. DECLARATION  3. DECLARATION  4. DECLARATION  4. DECLARATION  5. DECLARATION  6. DE	practices are practices affecting commerce within the mea		•
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) See additional page  (b) (6), (b) (7)(C) ty filing charge (if labor organization, give full name, including local name and number)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  1 declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Coffice, if any, Cell No.			, and the second
See additional page  (b) (6), (b) (7)(C) ty filing charge (if labor organization, give full name, including local name and number)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(C)  4b. Tel. No.  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  1 declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.		ement of the facts constituting the alleged unfair labor pra	actices)
(b) (6). (b) (7)(C) ty filing charge (if labor organization, give full name, including local name and number)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(C)  4b. Tel. No.  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.		,	
(b) (6). (b) (7)(C) ty filing charge (if labor organization, give full name, including local name and number)  4a. Address (Street and number, city, state, and ZIP code)  (b) (6), (b) (7)(C)  4b. Tel. No.  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.	0 1177		
4a. Address (Street and number, city, state, and ZIP code)  4b. Tel. No.  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6). (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.	See additional page		
4a. Address (Street and number, city, state, and ZIP code)  4b. Tel. No.  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.			
4a. Address (Street and number, city, state, and ZIP code)  4b. Tel. No.  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.			
4a. Address (Street and number, city, state, and ZIP code)  4b. Tel. No.  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.			
4a. Address (Street and number, city, state, and ZIP code)  4b. Tel. No.  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.			
4a. Address (Street and number, city, state, and ZIP code)  4b. Tel. No.  (b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.	ty filing charge (if labor organization, g	rive full name, including local name and number)	
(b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.	(b) (6), (b) (7)(C)	,	
(b) (6), (b) (7)(C)  4c. Cell No.  4d. Fax No.  4e. e-mail (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Tel. No. (b) (6), (b) (7)(C)  Office, if any, Cell No.	4a Address (Street and number city state and 7IP code	9)	4b. Tel. No.
4c. Cell No.  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.	,,,,	-7	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)  4d. Fax No.  4e. e-mail  (b) (6), (b) (7)(C)  5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Office, if any, Cell No.			
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.	(b) (6), (b) (7)(C)		4c. 00ii 140.
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.			Ad Eav No
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  1 declare that I have read the above charge and that the statements  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.			4u.1 ax140.
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  1 declare that I have read the above charge and that the statements  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.			4e e-mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  6. DECLARATION  1 declare that I have read the above charge and that the statements  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.			
6. DECLARATION  I declare that I have read the above charge and that the statements  (b) (6), (b) (7)(C)  Tel. No.  (b) (6), (b) (7)(C)  Office, if any, Cell No.	T. Full and a factional acids and the allebration sticks		
I declare that I have read the above charge and that the statements (b) (6), (b) (7)(C) are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)  Office, if any, Cell No.	5. Full name of national or international labor organization	n of which it is an affiliate of constituent unit (to be filled in	when charge is filed by a labor organization)
I declare that I have read the above charge and that the statements (b) (6), (b) (7)(C) are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)  Office, if any, Cell No.			
I declare that I have read the above charge and that the statements (b) (6), (b) (7)(C) are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)  Office, if any, Cell No.	6 DECL	ARATION	Tel No
(b) (6), (b) (7)(C) are true to the best of my knowledge and belief.  (b) (6), (b) (7)(C)  (b) (6), (b) (7)(C)	I declare that I have read the abo		
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C) are true to the best of m	ny knowledge and belief.	
Faville		(b) (6) (b) (7)(C)	Office, if any, Cell No.
(signature of representative or person making charge) (Print/type name and title or office, if any) Fax No.		(6) (6), (6) (1)(6)	
		(Print/type name and title or office, if any)	⊦ax No.
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)		
Addres Date 01/10/2023 02:41:58 PM		Date 01/10/2023 02:41:58 PM	
(b) (6), (b) (7)(C)	, wai 60	Daic	(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

#### **Basis of the Charge**

#### 8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	୭୮୭.୭୮୯/2023

#### 8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	® <sup>(©) (7)</sup> 2023



## UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 28 2600 North Central Avenue Suite 1400 Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov Telephone: (602)640-2160 Fax: (602)640-2178 Download NLRB Mobile App

January 23, 2023

SanTan Brewing Company 8 South San Marcos Place Chandler, AZ 85225

> Re: SanTan Brewing Company Case 28-CA-310678

#### Ladies and Gentlemen:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Fernando Anzaldua whose telephone number is (602)416-4757. If this Board agent is not available, you may contact Supervisory Field Attorney Christopher J. Doyle whose telephone number is (602)416-4762.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Cornele A. Overstreet Regional Director

andell Mountant

#### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

CAO/FJA/mhz

FORM NLRB-50 (3-11)	081	NATIONAL LAB	BOR RELA	TIONS BOARD			
, ,	QUEST	IONNAIRE ON	COMME	RCE INFORMATION			
Please read o	carefully, answer all applicable items, and r	eturn to the NLRB Offic	ce. If additio	nal space is required, please add	d a page and	identify item number.	
CASE NAM	ΙE					NUMBER A-310678	
1. EXACT	LEGAL TITLE OF ENTITY (As filed	with State and/or stat	ted in legal	documents forming entity)			
2. TYPE	OF ENTITY						
[ ] CORPO	RATION [] LLC [] LLP [	] PARTNERSHIP	[] SOLE	E PROPRIETORSHIP [ ]	OTHER (Sp	ecify)	
3. IF A CO	RPORATION or LLC						
A. STATE O	OF INCORPORATION MATION	B. NAME, ADDR	RESS, AND	RELATIONSHIP (e.g. parent,	subsidiary) (	OF ALL RELATED E	NTITIES
4. IF AN I	LC OR ANY TYPE OF PARTNERSH	IP, FULL NAME AN	ND ADDRE	SS OF ALL MEMBERS OR	PARTNER	S	
5. IF A SO	LE PROPRIETORSHIP, FULL NAM	E AND ADDRESS OF	F PROPRI	ETOR			
6. BRIEFI	LY DESCRIBE THE NATURE OF YO	UR OPERATIONS (I	Products ha	ndled or manufactured, or natu	re of service	s performed).	
7A. PRINC	IPAL LOCATION:	7B	B. BRANCI	H LOCATIONS:			
8. NUMBI	ER OF PEOPLE PRESENTLY EMPLO	OYED					
		1					
A. TO	TAL:			DLVED IN THIS MATTER:			
					FISCAL YE		)
9. DURING	TAL: G THE MOST RECENT (Check the app	propriate box): [ ] CA	ALENDAR	[]12 MONTHS or []1		AR (FYDATESYES	) NO
9. DURING	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50	propriate box): [ ] CE	ALENDAR mers outside	your State? If no, indicate actu	al value.		) NO
9. DURING A. Did you \$ B. If you as	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 aswered no to 9A, did you provide services	propriate box): [ ] Can 0000 directly to custom es valued in excess of	ALENDAR mers outside	your State? If no, indicate actu	al value.		) NO
9. DURING A. Did you \$ B. If you as	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 asswered no to 9A, did you provide service alued in excess of \$50,000 from directly of \$100.000 from directly of \$100.0000 from directly of \$100.00000 from directly of \$100.0000 from directly of \$100.00000 from directly	propriate box): [ ] Can 0000 directly to custom es valued in excess of	ALENDAR mers outside	your State? If no, indicate actu	al value.		) NO
A. Did you \$  B. If you ar goods va provided C. If you ar	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 asswered no to 9A, did you provide services alued in excess of \$50,000 from directly of the service services.)	propriate box): [ ] Cannon and the control of the c	mers outside \$50,000 to 6 no, indicate taxcess of \$50,000 to 6 no.	your State? If no, indicate acture customers in your State who put the value of any such services y	rchased		) NO
Did you \$     B. If you are goods var provided     C. If you are newspap	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 asswered no to 9A, did you provide services alued in excess of \$50,000 from directly of the services.)  Inswered no to 9A and 9B, did you provide services, health care institutions, broadcasting	propriate box): [ ] Cannon and the control of the c	mers outside \$50,000 to 6 no, indicate taxcess of \$50,000 to 6 no.	your State? If no, indicate acture customers in your State who put the value of any such services y	rchased		NO NO
Did you \$     B. If you are goods varieded.  C. If you are newspap. If less the	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 asswered no to 9A, did you provide services alued in excess of \$50,000 from directly of the service services, sealth care institutions, broadcasting an \$50,000, indicate amount.	propriate box): [ ] Can 000 directly to custom es valued in excess of the utside your State? If no e services valued in ex- stations, commercial b	ALENDAR mers outside \$50,000 to 6 no, indicate to excess of \$50,000 to 10 to 20 to 2	your State? If no, indicate acture customers in your State who put the value of any such services you of the public utilities, transit sylucational institutions, or retail of	rchased rou systems, concerns?		NO NO
A. Did you s  B. If you ar goods very provided.  C. If you ar newspap If less th  D. Did you amount.	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 answered no to 9A, did you provide services alued in excess of \$50,000 from directly of \$1. \$	propriate box): [ ] Can 000 directly to custom es valued in excess of sutside your State? If no e services valued in ex- stations, commercial bordered	ALENDAR mers outside \$50,000 to one, indicate to excess of \$50,000 to one, indicate to excess of \$50,000 to one, indicate to excess of \$50,000 to one, indicate to	your State? If no, indicate acture customers in your State who put the value of any such services your State who public utilities, transit sylucational institutions, or retail of eyour State? If less than \$50,00	rchased ou systems, concerns?		) NO
A. Did you s B. If you ar goods va provided C. If you ar newspap If less th D. Did you amount. E. If you ar	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 asswered no to 9A, did you provide services alued in excess of \$50,000 from directly of \$1. \$\square\$  Inswered no to 9A and 9B, did you provide services, health care institutions, broadcasting than \$50,000, indicate amount. \$\square\$  sell goods valued in excess of \$50,000 did \$\square\$  Inswered no to 9D, did you sell goods valued.	propriate box): [ ] Can 000 directly to custom es valued in excess of sutside your State? If no e services valued in ex- stations, commercial by rectly to customers loc- ed in excess of \$50,000	mers outside \$50,000 to one, indicate to excess of \$50,000 to one, indicate to	your State? If no, indicate actures in your State who put the value of any such services your State who public utilities, transit sy ducational institutions, or retail of eyour State? If less than \$50,00 to customers located inside your	rchased yestems, concerns?		NO NO
A. Did you s B. If you ar goods va provided C. If you ar newspap If less th D. Did you amount. E. If you ar	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 answered no to 9A, did you provide services alued in excess of \$50,000 from directly of \$1. \$	propriate box): [ ] Can 000 directly to custom es valued in excess of sutside your State? If no e services valued in ex- stations, commercial by rectly to customers loc- ed in excess of \$50,000	mers outside \$50,000 to one, indicate to excess of \$50,000 to one, indicate to	your State? If no, indicate actures in your State who put the value of any such services your State who public utilities, transit sy ducational institutions, or retail of eyour State? If less than \$50,00 to customers located inside your	rchased yestems, concerns?		) NO
A. Did you s B. If you ar goods va provided C. If you ar newspap If less th D. Did you amount. E. If you ar purchase \$ F. Did you	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 asswered no to 9A, did you provide services alued in excess of \$50,000 from directly of \$1. \$\square\$  Inswered no to 9A and 9B, did you provide services, health care institutions, broadcasting than \$50,000, indicate amount. \$\square\$  sell goods valued in excess of \$50,000 did \$\square\$  Inswered no to 9D, did you sell goods valued.	propriate box): [ ] Cannot box of the control of th	mers outside \$50,000 to 6 no, indicate 1 xcess of \$50,001 cated outside 00 directly to e your State?	your State? If no, indicate acture the value of any such services your State who put the value of any such services your state? If less than \$50,00 or customers located inside your or If less than \$50,000, indicate	rchased ou systems, concerns?		) NO
A. Did you s B. If you ar goods va provided C. If you ar newspap If less th D. Did you amount. E. If you ar purchase \$ F. Did you indicate	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 asswered no to 9A, did you provide services alued in excess of \$50,000 from directly of the services of \$50,000 from direct	propriate box): [ ] Canonical Security of Ca	mers outside \$50,000 to 6 no, indicate 1 xcess of \$50, buildings, ed cated outside 00 directly to e your State?	your State? If no, indicate acturustomers in your State who put the value of any such services your of the value of any such services your state? If less than \$50,00 or customers located inside your of If less than \$50,000, indicate side your State?	rchased ou systems, concerns?  10, indicate  State who amount.		) NO
A. Did you s B. If you ar goods va provided C. If you ar newspap If less th D. Did you amount. E. If you ar purchase \$	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 asswered no to 9A, did you provide services alued in excess of \$50,000 from directly of the services, health care institutions, broadcasting the services, health care institutions, broadcasting the services of \$50,000, indicate amount.  Sell goods valued in excess of \$50,000 did to the goods valued in excess of \$50,000 purchase and receive goods valued in examount.  Purchase and receive goods valued in examount.  The services of \$50,000 from directly of the services of \$50,000 from direc	propriate box): [ ] Canonical Services valued in excess of Stations, commercial by the excess of \$50,000 from directly outside seess of \$50,000 from directly outside sees of \$50,000 from directly outside seess of \$50,000 from directly outside sees of \$50,000 from direct	mers outside \$50,000 to 6 no, indicate to excess of \$50, buildings, ed cated outside 00 directly to e your State? directly out	your State? If no, indicate acture the value of any such services your State who put the value of any such services your State? If less than \$50,000 to public utilities, transit sy lucational institutions, or retail of the your State? If less than \$50,000 to customers located inside your or If less than \$50,000, indicate side your State? If less than \$50,000, indicate side your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State?	rchased ou systems, concerns?  10, indicate  State who amount.		NO NO
A. Did you s B. If you ar goods va provided C. If you ar newspap If less th D. Did you amount. E. If you ar purchase s F. Did you indicate G. Did you points of H. Gross	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 asswered no to 9A, did you provide services alued in excess of \$50,000 from directly of the services, health care institutions, broadcasting the services, health care institutions, broadcasting the services of \$50,000, indicate amount.  Sell goods valued in excess of \$50,000 did to the goods valued in excess of \$50,000 purchase and receive goods valued in examount.  Purchase and receive goods valued in examount.	propriate box): [ ] Canonical box of Stations, commercial	mers outside \$50,000 to one, indicate to take the second of the second of the second outside to the second outside the second o	your State? If no, indicate actures in your State who put the value of any such services your State who put the value of any such services your State? If less than \$50,000 to public utilities, transit sy ducational institutions, or retail of the your State? If less than \$50,000 to customers located inside your of the state? If less than \$50,000, indicate side your State? If less than \$50,000 to customers located inside your state? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State? If less than \$50,000 to customers located inside your State?	rchased ou systems, concerns?  10, indicate  State who amount.  50,000,		NO NO
P. DURING  A. Did you as goods very provided.  C. If you as newspap. If less the distribution of the purchase services.  F. Did you indicate  G. Did you points of the Gross [ ] \$10.  I. Did you on the gross of th	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 provide services valued in excess of \$50 provide services alued in excess of \$50,000 from directly of the services of \$50,000 from directly of the services of \$50,000 from directly of the services of \$50,000 provides each \$50,000 provides and \$50,000 provides and \$50,000 provides each \$50,000 from directly of the services of \$50,000 provides each \$50,000 provi	propriate box): [] Canonical box of States of	mers outside \$50,000 to do no, indicate to excess of \$50, buildings, ed cated outside 00 directly to e your State? directly outside enterprises  largest amo one If less to	your State? If no, indicate acture the value of any such services your State who put the value of any such services your of the value of any such services your state? If less than \$50,000 to customers located inside your of If less than \$50,000, indicate side your State? If less than \$50,000, indicate side your State? If less than \$50,000, indicate who received the goods directly than \$100,000, indicate amount	ystems, concerns?  10, indicate  State who amount.  10,000,	YES	
A. Did you as goods very provided.  C. If you as newspap If less the D. Did you amount.  E. If you are purchase \$	provide services valued in excess of \$50 asswered no to 9A, did you provide services alued in excess of \$50,000 from directly of \$50 asswered no to 9A and 9B, did you provide services, health care institutions, broadcasting an \$50,000, indicate amount. \$50,000 did \$50,000 services and services of \$50,000 did \$50 asswered no to 9D, did you sell goods valued other goods valued in excess of \$50,000 purchase and receive goods valued in examount. \$50 purchase and receive goods valued in examount.	propriate box): [] Canonical box of States of	mers outside \$50,000 to do no, indicate to excess of \$50, buildings, ed cated outside 00 directly to e your State? directly outside enterprises  largest amo one If less to	your State? If no, indicate acture the value of any such services your State who put the value of any such services your of the value of any such services your state? If less than \$50,000 to customers located inside your of If less than \$50,000, indicate side your State? If less than \$50,000, indicate side your State? If less than \$50,000, indicate who received the goods directly than \$100,000, indicate amount	ystems, concerns?  10, indicate  State who amount.  10,000,	YES	
9. DURING  A. Did you s  B. If you ar goods vary provided.  C. If you ar newspap If less the D. Did you amount.  E. If you ar purchase s  F. Did you indicate  G. Did you points on H. Gross [ ] \$10  I. Did you [ ] YE	provide services valued in excess of \$50 asswered no to 9A, did you provide services alued in excess of \$50,000 from directly of \$1.\$ asswered no to 9A and 9B, did you provide services, health care institutions, broadcasting than \$50,000, indicate amount. \$2 assell goods valued in excess of \$50,000 directly of \$3 asswered no to 9D, did you sell goods valued of their goods valued in excess of \$50,000 purchase and receive goods valued in examount. \$3 amount. \$4 purchase and receive goods valued in examount. \$5 amount \$5 and receive goods valued in examount. \$5 amount \$5 a	propriate box): [] Candidate box): [] Candidate box): [] Candidate box): [] Candidate box of States of Sta	alendar  and the state of the s	your State? If no, indicate acture the value of any such services your State who put the value of any such services your of the value of any such services your state? If less than \$50,000 or customers located inside your or If less than \$50,000, indicate side your State? If less than \$50,000, indicate amount than \$100,000, indicate amount ROUP THAT ENGAGES IN	rchased ou systems, concerns?  00, indicate State who amount.  60,000,	YES	
9. DURING  A. Did you s  B. If you ar goods vary provided.  C. If you ar newspap If less the D. Did you amount.  E. If you ar purchase s  F. Did you indicate  G. Did you points on H. Gross [ ] \$10  I. Did you [ ] YE	TAL:  G THE MOST RECENT (Check the approvide services valued in excess of \$50 provide services valued in excess of \$50 provide services alued in excess of \$50,000 from directly of the services, health care institutions, broadcasting the services of \$50,000 provides and the services of \$50,000 provides and services of \$50,000 provides and receive goods valued in examount.  Services and receive goods valued in examount.  Purchase and receive goods valued in examount.  Purchase and receive goods valued in examount.  Services goods valued in examount.  Purchase and receive goods valued in examount.  Purchase and receive goods valued in examount.  Services goo	propriate box): [] Candidate box): [] Candidate box): [] Candidate box): [] Candidate box of States of Sta	alendar  and the state of the s	your State? If no, indicate acture the value of any such services your State who put the value of any such services your of the value of any such services your state? If less than \$50,000 or customers located inside your or If less than \$50,000, indicate side your State? If less than \$50,000, indicate amount than \$100,000, indicate amount ROUP THAT ENGAGES IN	rchased ou systems, concerns?  10, indicate State who amount.  100,000, 17 from  1.  COLLECT	YES	

 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

 NAME AND TITLE (Type or Print)
 SIGNATURE
 E-MAIL ADDRESS
 DATE

#### PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

### UNITED STATES OF AMERICA

BEFORE THE NATIONAL	LABOR RELATIONS BOARD
SANTAN BREWING COMPANY	
Charged Party	
and	Casa 29 CA 210679

(b) (6), (b) (7)(C), an individual

**Charging Party** 

Case 28-CA-310678

#### AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 23, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

SanTan Brewing Company 8 South San Marcos Place Chandler, AZ 85225

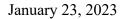
	Mary Harrington-Zorn, Designated Agent
January 23, 2023	of NLRB
Date	Name
	/s/ Mary Harrington-Zorn
	Signature

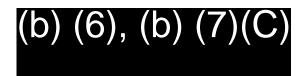


#### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 28 2600 North Central Avenue Suite 1400 Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov Telephone: (602)640-2160 Fax: (602)640-2178 Download NLRB Mobile App





Re: SanTan Brewing Company Case 28-CA-310678

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on January 10, 2023 has been docketed as case number 28-CA-310678. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Fernando Anzaldua whose telephone number is (602)416-4757. If this Board agent is not available, you may contact Supervisory Field Attorney Christopher J. Doyle whose telephone number is (602)416-4762.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Cornele A. Overstreet Regional Director

andelle Morentes

#### Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

CAO/FJA/mhz



# **Important Information About NLRB Investigations for Immigrant Workers**



## The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

# Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
  - We will **NOT** ask you about your immigration status.
  - O You **DO NOT** need to share any information with us about your immigration status.
  - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will NOT disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

For more information on the NLRB, please visit our website, www.nlrb.gov.



### Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

## A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
  - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
  - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
  - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

Para más información acerca de la NLRB, por favor visite nuestra página web, <u>www.nlrb.gov</u>.

FORM NLRB-501 (3-21)

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

#### CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE			
Case	Date Filed		
28-CA-310815	January 13, 2023		

#### INSTRUCTIONS:

eq:File an original with NLRB Regional Director for the region in \$\$ \$ (A) = A + A + A + A + A + A + A + A + A + A	which the alleged unfair labor practice occurred or isoccu	rring.
1. EMPL	OYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Tel. No.
Phoenix Newspapers, Inc D/B/A The Arizona Republic and Gannett Co as Joint and Single Employers		(239) 248-6160
		c. Cell No.
		f. Fax. No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	$\dashv$
7950 Jones Branch Drive	Amy Garrard	g. e-mail
	Sr. Counsel Labor Relations	
VA MacLean 22107	or. Coursor Eupor Rolations	agarrard@gannett.com
VA MacLean 22107		h. Number of workers employed
		100
i. Type of Establishment (factory, mine, wholesaler, etc.)		
Printing & Publishing	Daily Newspaper	
The above-named employer has engaged in and is engaged		• • • • • • • • • • • • • • • • • • • •
(list subsections) 5		r Relations Act, and these unfair labor
practices are practices affecting commerce within the me	aning of the Act, or these unfair labor practices are prac	tices affecting commerce within the
meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise state	ement of the facts constituting the alleged unfair labor p	ractices)
See additional page		
1 3		
3 Full pame of party filing charge (if labor organization of	give full name, including local name and number)	
3. Full name of party filing charge (if labor organization, g Graham Fortier	Campaign Lead	
Media Guild of the West, TNG-CWA 39213  4a. Address (Street and number, city, state, and ZIP code		4b. Tel. No.
4a. Address (Street and number, city, state, and zir code	<del>5</del> )	
		(202) 747-4930 4c. Cell No.
825 S. Victory Blvd		4C. Cell No.
CA Burbank 91502		4d. Fax No.
		4u. Fax No.
		4e.e-mail
		graham@mediaguildwest.org
5. Full name of national or international labor organizatio	n of which it is an affiliate are anotity and unit the heatilled is	
5. Full frame of frational of international labor organizatio	nor which it is an animate of constituent unit (to be filled if	i when charge is filed by a labor organization)
The NewsGuild - Communications Workers of America		
	ARATION	Tel. No.
	ove charge and that the statements	(202) 747-4930
are true to the best of n	ny knowledge and belief.	Office, if any, Cell No.
)Z	Graham Fortier	5 mas, a any, source.
(signature of representative or person making charge)	Campaign Lead  (Print/type name and title or office, if any)	Fax No.
	(Filliotype hame and the of office, if any)	
825 S. Victory Blvd		e-mail
Address Burbank CA 91502	Date 01/13/2023 09:11:38 AM	graham@mediaguildwest.org

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

### **Basis of the Charge**

#### 8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.

#### 8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
07/26/2022		Explanation for wage increases	
09/22/2022		Information on Medical Benefits and Retirement	



#### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 28 2600 North Central Avenue **Suite 1400** Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov Telephone: (602)640-2160 Fax: (602)640-2178

January 24, 2023



**NLRB** Mobile App

Amy Garrard, Senior Counsel, Labor Relations Phoenix Newspapers, Inc. d/b/a The Arizona Republic and Gannett Co. 7950 Jones Branch Drive MacLean, VA 22107

> Re: Phoenix Newspapers, Inc D/B/A The Arizona Republic and Gannett Co as Joint and Single Employers

Case 28-CA-310815

Dear Ms. Garrard:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Lisa J. Dunn whose telephone number is (602)416-4763. If this Board agent is not available, you may contact Supervisory Field Attorney Christopher J. Doyle whose telephone number is (602)416-4762.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Phoenix Newspapers, Inc. d/b/a The Arizona - 2 - Republic and Gannett Co. as Joint and Single Employers
Case 28-CA-310815

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Phoenix Newspapers, Inc. d/b/a The Arizona - 3 - Republic and Gannett Co. as Joint and Single Employers
Case 28-CA-310815

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

Single Employers
Case 28-CA-310815

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Cornele A. Overstreet Regional Director

andell brentest

#### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

CAO/LJD/mhz

FORM NLRB-5081 (3-11)	NATIONAL L	ABOR RELATIONS BOARD	
	IONNAIRE O	N COMMERCE INFORMATION	
Please read carefully, answer all applicable items, and re	eturn to the NLRB O	office. If additional space is required, please add	a page and identify item number.
CASE NAME			
1. EXACT LEGAL TITLE OF ENTITY (As filed to	with State and/or s	stated in legal documents forming entity)	
`		5 7,	
2. TYPE OF ENTITY			
[] CORPORATION [] LLC [] LLP [	] PARTNERSHI	P [] SOLE PROPRIETORSHIP [] C	OTHER (Specify)
3. IF A CORPORATION or LLC			
A. STATE OF INCORPORATION OR FORMATION	B. NAME, AD	DRESS, AND RELATIONSHIP (e.g. parent, s	ubsidiary) OF ALL RELATED ENTITIES
4. IF AN LLC OR ANY TYPE OF PARTNERSH	IP, FULL NAME	AND ADDRESS OF ALL MEMBERS OR I	PARTNERS
5. IF A SOLE PROPRIETORSHIP, FULL NAME	E AND ADDRESS	OF PROPRIETOR	
6. BRIEFLY DESCRIBE THE NATURE OF YO	UR OPERATION	S (Products handled or manufactured, or natur	e of services performed).
7A. PRINCIPAL LOCATION:		7B. BRANCH LOCATIONS:	
8. NUMBER OF PEOPLE PRESENTLY EMPLO	OVED		
A. TOTAL:	Т	DDRESS INVOLVED IN THIS MATTER:	
9. DURING THE MOST RECENT (Check the app			ISCAL YEAR (FY DATES )
, , ,	. , , ,		YES NO
A. Did you provide services valued in excess of \$50.  \$	,000 directly to cus	tomers outside your State? If no, indicate actua	il value.
B. If you answered no to 9A, did you provide service			
goods valued in excess of \$50,000 from directly or provided. \$	utside your State?	If no, indicate the value of any such services yo	ou
C. If you answered no to 9A and 9B, did you provide	services valued in	excess of \$50,000 to public utilities, transit sy	stems,
newspapers, health care institutions, broadcasting If less than \$50,000, indicate amount. \$	stations, commercia	al buildings, educational institutions, or retail o	oncems?
D. Did you sell goods valued in excess of \$50,000 did amount. \$		<del></del>	
	rectly to customers	located outside your State? If less than \$50,000	), indicate
E. If you answered no to 9D, did you sell goods value			
E. If you answered no to 9D, did you sell goods value purchased other goods valued in excess of \$50,000	ed in excess of \$50	,000 directly to customers located inside your S	tate who
E. If you answered no to 9D, did you sell goods value purchased other goods valued in excess of \$50,000 \$      F. Did you purchase and receive goods valued in excess of \$50,000 \$	ed in excess of \$50, ) from directly outs	,000 directly to customers located inside your Stide your State? If less than \$50,000, indicate a	state who amount.
E. If you answered no to 9D, did you sell goods value purchased other goods valued in excess of \$50,000 \$	ed in excess of \$50,000 from directly outs	,000 directly to customers located inside your Stide your State? If less than \$50,000, indicate a communication directly outside your State? If less than \$50	otate who amount.
<ul> <li>E. If you answered no to 9D, did you sell goods value purchased other goods valued in excess of \$50,000 \$</li></ul>	ed in excess of \$50,00 from directly outs  ccess of \$50,000 from  ccess of \$50,000 from	om directly to customers located inside your State? If less than \$50,000, indicate a communication of the state of the state? If less than \$50,000 and the state? If less than \$50,000 are enterprises who received the goods directly	otate who amount.
E. If you answered no to 9D, did you sell goods value purchased other goods valued in excess of \$50,000 \$	ed in excess of \$50,00 from directly outs  ccess of \$50,000 from directly outs  f services (Check to	on directly to customers located inside your State? If less than \$50,000, indicate a communication of the state? If less than \$50 and the state?	otate who amount.
E. If you answered no to 9D, did you sell goods value purchased other goods valued in excess of \$50,000 \$	ed in excess of \$50,00 from directly outs  cess of \$50,000 from directly outs  cess of \$50,000 from directly outs  f services (Check to [ ] \$1,000,000 or	,000 directly to customers located inside your State? If less than \$50,000, indicate a community of the largest amount)  more If less than \$100,000, indicate amount.	otate who amount.
E. If you answered no to 9D, did you sell goods value purchased other goods valued in excess of \$50,000 \$	ed in excess of \$50,000 from directly outs  access of \$50,000 from dir	on directly to customers located inside your State? If less than \$50,000, indicate a common directly outside your State? If less than \$50 common enterprises who received the goods directly the largest amount) more If less than \$100,000, indicate amount.	fitate who sumount.  0,000,  from
<ul> <li>E. If you answered no to 9D, did you sell goods value purchased other goods valued in excess of \$50,000 \$</li></ul>	ed in excess of \$50,000 from directly outs  cess of \$50,000 from directly outs  f services (Check to be a services)  I \$1,000,000 or outs  outs  N OR OTHER EX	on directly to customers located inside your State? If less than \$50,000, indicate a community outside your State? If less than \$50 cm enterprises who received the goods directly the largest amount) more If less than \$100,000, indicate amount.	fitate who sumount.  0,000,  from
E. If you answered no to 9D, did you sell goods value purchased other goods valued in excess of \$50,000 \$	ed in excess of \$50,000 from directly outs  access of \$50,000 from dir	composition of the largest amount) more If less than \$100,000, indicate amount.	collective Bargaining?

### 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

#### PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

### **UNITED STATES OF AMERICA**

### BEFORE THE NATIONAL LABOR RELATIONS BOARD

PHOENIX NEWSPAPERS, INC. D/B/A THE
ARIZONA REPUBLIC AND GANNETT CO. AS
JOINT AND SINGLE EMPLOYERS

**Charged Party** 

and

MEDIA GUILD OF THE WEST, TNG-CWA LOCAL 39213, AFL-CIO

**Charging Party** 

Case 28-CA-310815

### AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 24, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Amy Garrard, Senior Counsel, Labor Relations Phoenix Newspapers, Inc. D/B/A The Arizona Republic and Gannett Co. 7950 Jones Branch Drive MacLean, VA 22107

January 24, 2023	Mary Harrington-Zorn, Designated Agent
	of NLRB
Date	Name
	/s/ Mary Harrington-Zorn
	Signature



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 28 2600 North Central Avenue Suite 1400 Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov Telephone: (602)640-2160 Fax: (602)640-2178 Download
NLRB
Mobile App

January 24, 2023

Media Guild of the West, TNG-CWA Local 39213, AFL-CIO 825 South Victory Boulevard Burbank, CA 91502

Re: Phoenix Newspapers, Inc D/B/A The

Arizona Republic and Gannett Co as Joint

and Single Employers Case 28-CA-310815

#### Ladies and Gentlemen:

The charge that you filed in this case on January 13, 2023 has been docketed as case number 28-CA-310815. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Lisa J. Dunn whose telephone number is (602)416-4763. If this Board agent is not available, you may contact Supervisory Field Attorney Christopher J. Doyle whose telephone number is (602)416-4762.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession.

Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Case 28-CA-310815

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Cornele A. Overstreet Regional Director

andelle Morente

Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

CAO/LJD/mhz



# **Important Information About NLRB Investigations for Immigrant Workers**



## The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

## Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
  - We will **NOT** ask you about your immigration status.
  - O You **DO NOT** need to share any information with us about your immigration status.
  - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will NOT disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

For more information on the NLRB, please visit our website, www.nlrb.gov.



### Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

## A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
  - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
  - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
  - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

Para más información acerca de la NLRB, por favor visite nuestra página web, <a href="www.nlrb.gov">www.nlrb.gov</a>.

FORM NLRB-501 (3-21)

### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS	SPACE
Case	Date Filed January 13, 2023
28-CA-310825	January 13, 2023

#### INSTRUCTIONS:

File an original with NLRB Regional Director for the region in	which the alleged unfair labor practice occurred or is occurring	ıg.
1. EMPL	OYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer		b. Tel. No.
Maricopa Ambulance		(b) (6), (b) (7)(C)
		c. Cell No.
		f. Fax. No.
		- IT dx. No.
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	a a mail
10243 N 19th AVE		g. e-mail
AZ Phoenix 85021		h. Number of workers employed
		100
	i Idontifuninainal product argonica	100
i. Type of Establishment (factory, mine, wholesaler, etc.)		
Healthcare	Emergency Medical Services	
	ging in unfair labor practices within the meaning of section (	
(list subsections) 1		elations Act, and these unfair labor
	aning of the Act, or these unfair labor practices are practic	es affecting commerce within the
meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise state	ement of the facts constituting the alleged unfair labor prac	tices)
Coo additional page		
See additional page		
(b) (6), (b) (7)(C) arty filing charge (if labor organization, g	ive full name, including local name and number)	
(b) (d), (b) (1)(C)		
4a. Address (Street and number, city, state, and ZIP code	e)	4b. Tel. No.
	-7	(b) (6), (b) (7)(C)
		4c. Cell No.
(b) (6), (b) (7)(C)		TC. CCII NO.
		Ad Faulta
		4d. Fax No.
		4e. e-mail
		(b) (6), (b) (7)(C)
5. Full name of national or international labor organizatio	n of which it is an affiliate or constituent unit (to be filled in w	hen charge is filed by a labor organization)
	ARATION ove charge and that the statements	Tel. No.
	ny knowledge and belief.	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		Office, if any, Cell No.
	(b) (6), (b) (7)(C)	
sentative or person making charge)	(Print/type name and title or office, if any)	Fax No.
	(Finiary periame and the or office, if any)	
(b) (6), (b) (7)(C)		e-mail
Address	Date 01/13/2023 01:23:30 PM	(b) (6), (b) (7)(C)
		(5) (5); (5) (1)(5)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

### **Basis of the Charge**

### 8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b) (6), (b) (7)(C)	<sup>ത്രത്ര</sup> /2023

### 8(a)(1)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, protesting terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee disciplined/retaliated against	Type of discipline/retailation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Forced Resignation	<sup>©)(©, ©)7</sup> /2023



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 28 2600 North Central Avenue Suite 1400 Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov Telephone: (602)640-2160 Fax: (602)640-2178

January 24, 2023



Maricopa Ambulance, LLC 10243 North 19th Avenue Phoenix, AZ 85021

Re: Maricopa Ambulance, LLC

Case 28-CA-310825

### Ladies and Gentlemen:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner Olga L. Bell whose telephone number is (602)416-4758. If this Board agent is not available, you may contact Deputy Regional Attorney David T. Garza whose telephone number is (505)313-7216.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence:</u> All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not

have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Cornele A. Overstreet Regional Director

andell Mountains

### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

CAO/OLB/mhz

	M NLRB-5081 3-11)	NATIONAL I	ABOR RELATIO	NS BOARD			
(-		ONNAIRE O	N COMMERC	E INFORMATION			
Pleas	se read carefully, answer all applicable items, and ref	turn to the NLRB (	Office. If additional s	space is required, please add a p	age and identify	item number.	
CAS	SE NAME				CASE NUME		
1 10	VACTICAL TITLE OF ENTITY (A. C. I.	'.1 C 1/			28-CA-31082	<u> </u>	
1. E	XACT LEGAL TITLE OF ENTITY (As filed w	ith State and/or	stated in legal doci	uments forming entity)			
2.	TYPE OF ENTITY						
		PARTNERSHI	D [] SOLE DD	OPRIETORSHIP [ ] OTH	IER (Specify )		
	F A CORPORATION or LLC	PARTNERSIII	F [] SOLE FR	OFRIETORSHIF [] OH	iER (Specify )		
	TATE OF INCORPORATION	B. NAME, AD	DRESS, AND REI	LATIONSHIP (e.g. parent, subs	idiary) OF ALL	RELATED EN	NTITIES
0	R FORMATION						
4. I	IF AN LLC OR ANY TYPE OF PARTNERSHI	P, FULL NAME	AND ADDRESS O	OF ALL MEMBERS OR PAI	RTNERS		
		,					
5 T	IF A SOLE PROPRIETORSHIP, FULL NAME	AND ADDDES	C OF DECEDER	ND.			
3. 1	IF A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRES	OF PROPRIETO	JK			
6. I	BRIEFLY DESCRIBE THE NATURE OF YOU	R OPERATION	IS (Products handle	ed or manufactured, or nature o	f services nerfor	med).	
0. 2		11 01 21 11 10 1	(1 / oddolb //d/late	a or managaciar ou, or maiar o o	, services perjor	mou):	
	DDINGIDAL LOCATION		ED DD INCHE	O.G. I. TIYONG			
7/ <b>A.</b>	PRINCIPAL LOCATION:		7B. BRANCH L	OCATIONS:			
8. 1	NUMBER OF PEOPLE PRESENTLY EMPLO	YED					
	TOMBER OF TEOTLE TRESENTET EMILEO						
	A. TOTAL:		DDRESS INVOLV	ED IN THIS MATTER:			
		B. AT THE A				Y DATES	)
9. 1	A. TOTAL:  DURING THE MOST RECENT (Check the appr	B. AT THE A	] CALENDAR [	] 12 MONTHS or [ ] FISO	YES	Y DATES	NO NO
9. I	A. TOTAL:	B. AT THE A	] CALENDAR [	] 12 MONTHS or [ ] FISO	YES	Y DATES	NO NO
9. I A. I B. I	A. TOTAL:  DURING THE MOST RECENT (Check the appropriate to the services valued in excess of \$50,0 for the services will be serviced to the se	B. AT THE A	CALENDAR [ stomers outside your s of \$50,000 to custo	] 12 MONTHS or [ ] FISO r State? If no, indicate actual vo-	YES alue.	Y DATES	NO NO
9. I	A. TOTAL:  DURING THE MOST RECENT (Check the appropriate to the services valued in excess of \$50,0 \$	B. AT THE A	CALENDAR [ stomers outside your s of \$50,000 to custo	] 12 MONTHS or [ ] FISO r State? If no, indicate actual vo-	YES alue.	Y DATES	NO NO
9. I A. I	A. TOTAL:  DURING THE MOST RECENT (Check the appropriate to the services valued in excess of \$50,0 for the services will be serviced to the se	B. AT THE All populate box): [ 1000 directly to custs a valued in excess taide your State?	Stomers outside your of \$50,000 to custo If no, indicate the v	1 12 MONTHS or [ ] FISO r State? If no, indicate actual value of any such services you	YES alue.	Y DATES	NO NO
9. I A. I S B. I C. I	A. TOTAL:  DURING THE MOST RECENT (Check the appropriate provide services valued in excess of \$50,0 \$\]  If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly our provided. \$\]  If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting statements.	B. AT THE All propriate box): [  1000 directly to custs a valued in excess trailed your State?	stomers outside your of \$50,000 to custo If no, indicate the v	The state of the s	YES alue. sed ns,	Y DATES	NO NO
9. 1 A. 1 S. B. 1 E. 1 C. I	A. TOTAL:  DURING THE MOST RECENT (Check the appropriate provide services valued in excess of \$50,0 \$\]  If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly our provided. \$\]  If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting stiff less than \$50,000, indicate amount. \$\]	B. AT THE All propriate box): [  1000 directly to custs a valued in excess trained your State?  1000 services valued in the stations, commercial training and the stations are stations.	stomers outside your s of \$50,000 to custo If no, indicate the v n excess of \$50,000 ial buildings, educat	1 12 MONTHS or [] FISO r State? If no, indicate actual value of any such services you to public utilities, transit systemiconal institutions, or retail conce	YES alue. sed ns, ems?	Y DATES	NO NO
9. I A. 1 S. B. 1 C. I D. I	A. TOTAL:  DURING THE MOST RECENT (Check the appropriate provide services valued in excess of \$50,0 \$\\$	B. AT THE All propriate box): [  1000 directly to customers with the services valued in excess training the services valued in the servic	stomers outside your s of \$50,000 to custo If no, indicate the v n excess of \$50,000 ial buildings, educat	1 12 MONTHS or [] FISO r State? If no, indicate actual value of any such services you to public utilities, transit systemiconal institutions, or retail concurr State? If less than \$50,000, in	YES alue. sed ms, ems? dicate	Y DATES	NO NO
9. 1 A. 1 S. B. 1 C. 1 D. 1 E. 1	A. TOTAL:  DURING THE MOST RECENT (Check the appropriate provide services valued in excess of \$50,0 \$\frac{1}{2}\$.  If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly outprovided. \$\frac{1}{2}\$.  If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting start fless than \$50,000, indicate amount. \$\frac{1}{2}\$.  Did you sell goods valued in excess of \$50,000 direct amount. \$\frac{1}{2}\$.  If you answered no to 9D, did you sell goods valued the provided of the provi	B. AT THE All propriate box): [  1000 directly to custs a valued in excess trained your State?  1000 services valued in actions, commerciations, commerciations, commerciations and in excess of \$500.	stomers outside your s of \$50,000 to custo If no, indicate the v n excess of \$50,000 ial buildings, educat	The state of the s	YES alue. sed ns, ems? dicate	Y DATES	NO NO
9. 1 A. 1 S. B. 1 C. 1 D. 1 E. 1	A. TOTAL:  DURING THE MOST RECENT (Check the appropriate provide services valued in excess of \$50,0 \$\\$	B. AT THE All propriate box): [  1000 directly to custs a valued in excess trained your State?  1000 services valued in actions, commerciations, commerciations, commerciations and in excess of \$500.	stomers outside your s of \$50,000 to custo If no, indicate the v n excess of \$50,000 ial buildings, educat	The state of the s	YES alue. sed ns, ems? dicate	Y DATES	NO NO
9. I  A. 1  8  B. 1  C. 1  D. 1  E. 1  F. 1	Did you provide services valued in excess of \$50,0\$  If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly outprovided.  If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting start less than \$50,000, indicate amount.  If you answered no to 9D, did you sell goods valued purchased other goods valued in excess of \$50,000 from directly outprovided.  If you answered no to 9D, did you sell goods valued purchased other goods valued in excess of \$50,000 from directly outprovided.	B. AT THE All propriate box): [  1000 directly to custs a valued in excess trained your State?  1000 services valued in account and in excess of \$500 from directly out	stomers outside your s of \$50,000 to custo If no, indicate the v n excess of \$50,000 ial buildings, educat s located outside you 0,000 directly to cus side your State? If	r State? If no, indicate actual volumers in your State who purcharalue of any such services you to public utilities, transit systemional institutions, or retail concur State? If less than \$50,000, in tomers located inside your Stateless than \$50,000, indicate and	yes alue.  sed  ns, ems?  dicate e who ount.	Y DATES	NO NO
9. I  A. I  8  B. I  1  C. I  D. I  2  F. I  ii	A. TOTAL:  DURING THE MOST RECENT (Check the appropriate provides services valued in excess of \$50,0\$.  If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly outprovided. \$	B. AT THE All propriate box): [  1000 directly to custs a valued in excess trained your State?  1000 services valued in actions, commerciations, commerciations, commerciations are considered in excess of \$50,000 from directly out	stomers outside your of \$50,000 to custo If no, indicate the variety of \$50,000 to custo If no, indicate the variety of \$50,000 to custo If no, indicate the variety of \$50,000 to custo If no custo If \$100 to custo If the variety of \$100 to custo If \$100 to custo If \$100 to custo If the variety outside is the variety outside in the variety outside \$100 to custo If \$100 to custo	r State? If no, indicate actual volumers in your State who purcharalue of any such services you to public utilities, transit systemional institutions, or retail concur State? If less than \$50,000, in tomers located inside your Stateless than \$50,000, indicate and your State? If less than \$50,000, indicate and your State? If less than \$50,000, indicate and your State? If less than \$50,000, indicate and your State?	yes alue.  sed  ns, ems?  dicate e who ount.  00,	Y DATES	NO NO
9. I  A. 1  8  B. 1  C. 1  D. 1  E. 1  G. 1  G. 1	Did you provide services valued in excess of \$50,0\$  Total:  Did you provide services valued in excess of \$50,0\$  If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly our provided.  If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting start fless than \$50,000, indicate amount.  Did you sell goods valued in excess of \$50,000 directly you answered no to 9D, did you sell goods valued purchased other goods valued in excess of \$50,000  Did you purchase and receive goods valued in exception you purchase and receive goods valued in exceptions outside your State?  If less than \$50,000, in	B. AT THE All copriate box): [  1000 directly to custs a valued in excess taide your State?  1000 services valued in tations, commerciations, commerciations, commerciations are services of \$50,000 from directly out the services of \$50,000 from directly amount.	stomers outside your of \$50,000 to custo If no, indicate the variety of \$50,000 in the custo If no indicate the variety of the custo If no indicate the variety of the custo I located outside you of the custo I located outside you of the custo I located outside your State? If om directly outside on enterprises who	I State? If no, indicate actual variations in your State who purchavalue of any such services you to public utilities, transit systemional institutions, or retail concur State? If less than \$50,000, in tomers located inside your State less than \$50,000, indicate and your State? If less than \$50,000 received the goods directly from	yes alue.  sed  ns, ems?  dicate e who ount.  00,	Y DATES	NO NO
9. I  A. 1  8  B. 1  C. 1  D. 1  E. 1  G. I  G. I	Did you provide services valued in excess of \$50,0\$  If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly outprovided.  If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting stiff less than \$50,000, indicate amount.  If you sell goods valued in excess of \$50,000 directly outprovided.  If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly outprovided.  If you answered no to 9D, did you sell goods valued in excess of \$50,000 goods.  Did you purchase and receive goods valued in exception outside your State?  If less than \$50,000, in Gross Revenues from all sales or performance of	B. AT THE All copriate box): [  1000 directly to custs a valued in excess taide your State?  1000 services valued in tations, commerciations, commerciations, commerciations are services of \$50,000 from directly out the services of \$50,000 f	stomers outside your sof \$50,000 to custo If no, indicate the varieties of \$50,000 to custo If no, indicate the varieties of \$50,000 to custo If no, indicate the varieties of \$50,000 to custo I buildings, educate to located outside you side your State? If om directly outside the largest amount)	r State? If no, indicate actual volumers in your State who purchavalue of any such services you to public utilities, transit systemional institutions, or retail concur State? If less than \$50,000, in tomers located inside your State less than \$50,000, indicate among your State? If less than \$50,000 received the goods directly from	yes alue.  sed  ns, ems?  dicate e who ount.  00,	Y DATES	NO NO
9. I  A. 1  S. 1  B. 1  C. 1  D. 1  F. 1  i. G. 1  H.	Did you provide services valued in excess of \$50,0\$  If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly outprovided.  If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting start of you sell goods valued in excess of \$50,000 directly outprovided.  Did you sell goods valued in excess of \$50,000 directly outprovided.  If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly outprovided.  Did you purchase and receive goods valued in exception outside your State? If less than \$50,000, in Gross Revenues from all sales or performance of [] \$100,000 [] \$250,000 [] \$500,000 []	B. AT THE All copriate box): [  1000 directly to cust staide your State?  1000 services valued in excess taken your State?  1000 directly to customers  1000 directly to customers  1000 directly to customers  1000 directly out  1000 directly	stomers outside your sof \$50,000 to custo If no, indicate the v n excess of \$50,000 ial buildings, educate clocated outside you 0,000 directly to cus side your State? If om directly outside om enterprises who the largest amount) more If less than	r State? If no, indicate actual volumers in your State who purchavalue of any such services you to public utilities, transit systemional institutions, or retail concur State? If less than \$50,000, in tomers located inside your State less than \$50,000, indicate among your State? If less than \$50,000 received the goods directly from	yes alue.  sed  ns, ems?  dicate e who ount.  00,	Y DATES	NO NO
9. I  A. I  S  B. I  S  T  C. I  T  D. I  G  F. I  H.  I	Did you provide services valued in excess of \$50,0\$  If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly outprovided.  If you answered no to 9A and 9B, did you provide services goods valued in excess of \$50,000 from directly outprovided.  If you answered no to 9A and 9B, did you provide in the services are used in the services of \$50,000 from directly outprovided.  If you answered no to 9A and 9B, did you provide in excess of \$50,000 directly outprovided in excess of \$50,000 directly outprovided.  If you answered no to 9D, did you sell goods valued in excess of \$50,000 from directly outprovided in excess of \$50,000 from directly	B. AT THE All copriate box): [  1000 directly to custs a valued in excess traide your State?  1000 services valued in actions, commerciations,	stomers outside your sof \$50,000 to custo If no, indicate the v n excess of \$50,000 ial buildings, educat clocated outside you not be a custo outside your not be a custo outside outside your State? If out directly outside outside your State? If out directly outside out enterprises who the largest amount) more If less than ecify date:	r State? If no, indicate actual value of any such services you to public utilities, transit systemional institutions, or retail concur State? If less than \$50,000, in tomers located inside your State less than \$50,000, indicate among your State? If less than \$50,000 received the goods directly fro	yes alue.  sed  ms, ems?  dicate e who ount.  00, m		NO NO
9. I  A. I  S  B. I  S  T  C. I  T  D. I  G  F. I  H.  I	Did you provide services valued in excess of \$50,0\$  If you answered no to 9A, did you provide services goods valued in excess of \$50,000 from directly outprovided.  If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting start of you sell goods valued in excess of \$50,000 directly outprovided.  Did you sell goods valued in excess of \$50,000 directly outprovided.  If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly outprovided.  Did you purchase and receive goods valued in exception outside your State? If less than \$50,000, in Gross Revenues from all sales or performance of [] \$100,000 [] \$250,000 [] \$500,000 []	B. AT THE All copriate box): [  1000 directly to cust staide your State?  1000 services valued in excess taken your State?  1000 directly to customers  1000 directly to customers  1000 directly to customers  1000 directly to customers  1000 directly out  1000 directly for customers  1000 directly to customers  1000 directl	stomers outside your sof \$50,000 to custo If no, indicate the v n excess of \$50,000 ial buildings, educate clocated outside you side your State? If om directly outside om enterprises who the largest amount) more If less than ecify date:  MPLOYER GRO	r State? If no, indicate actual value of any such services you to public utilities, transit systemional institutions, or retail concur State? If less than \$50,000, in tomers located inside your State less than \$50,000, indicate among your State? If less than \$50,000 received the goods directly fro	yes alue.  sed  ms, ems?  dicate e who ount.  00, m		NO NO
9. 1 A. 1 S. B. I S. B. B. I S. B. I S. B. I S. B. I S. B.	Did you provide services valued in excess of \$50,0 \$	B. AT THE All copriate box): [  1000 directly to cust staide your State?  1000 services valued in excess taken your State?  1000 directly to customers taken you	stomers outside your stomers outside your stomers outside your stomers outside your n excess of \$50,000 to custo n excess of \$50,000 ial buildings, educate located outside you located outside your located your State? If om directly outside om enterprises who the largest amount) more If less than ecify date:  MPLOYER GROUNDED.	r State? If no, indicate actual value of any such services you to public utilities, transit system tional institutions, or retail concur State? If less than \$50,000, in tomers located inside your State less than \$50,000, indicate among your State? If less than \$50,000, indicate amount.	YES alue. sed  ms, ems? dicate e who ount.  00, m		NO

### PRIVACY ACT STATEMENT

DATE

E-MAIL ADDRESS

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

SIGNATURE

NAME AND TITLE (Type or Print)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

MARICOPA AMBULANCE, LLC	
Charged Party	
and	Case 28-CA-310825
(b) (6), (b) (7)(C), AN INDIVIDUAL	
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGAI  I, the undersigned employee of the National Labor R January 24, 2023, I served the above-entitled docume following persons, addressed to them at the following Maricopa Ambulance, LLC 10243 North 19th Avenue	elations Board, state under oath that on ent(s) by post-paid regular mail upon the
Phoenix, AZ 85021	
January 24, 2023	Mary Harrington-Zorn, Designated Agent of NLRB
Date	Name

/s/ Mary Harrington-Zorn

Signature



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 28 2600 North Central Avenue Suite 1400 Phoenix, AZ 85004-3099

Agency Website: www.nlrb.gov Telephone: (602)640-2160 Fax: (602)640-2178 Download
NLRB
Mobile App

January 24, 2023



Re: Maricopa Ambulance, LLC Case 28-CA-310825

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on January 13, 2023 has been docketed as case number 28-CA-310825. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Examiner Olga L. Bell whose telephone number is (602)416-4758. If this Board agent is not available, you may contact Deputy Regional Attorney David T. Garza whose telephone number is (505)313-7216.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <u>www.nlrb.gov</u>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Cornele A. Overstreet Regional Director

about Morentus

### Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

CAO/OLB/mhz



# **Important Information About NLRB Investigations for Immigrant Workers**



## The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- ➤ Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

## Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
  - We will **NOT** ask you about your immigration status.
  - O You **DO NOT** need to share any information with us about your immigration status.
  - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will NOT disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

For more information on the NLRB, please visit our website, www.nlrb.gov.



### Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

## A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
  - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
  - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
  - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

Para más información acerca de la NLRB, por favor visite nuestra página web, <u>www.nlrb.gov</u>.

### NATIONAL LABOR RELATIONS BOARD

### NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)	
and Maricopa Ambulance, LLC	CASE 28-CA-310825
X REGIONAL DIRECTOR EXECUTIVE SECRETARY  NATIONAL LABOR RELATIONS BOARD  Washington, DC 20870	GENERAL COUNSEL  NATIONAL LABOR RELATIONS BOARD  Washington, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT Maricopa Ambulance, LLC, 10243 N 19th Ave, Phoenix, AZ 850	
N THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:  REPRESENTATIVE IS AN ATTORNEY	
IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY ODOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN CASEHANDLING MANUAL.	ADDITION TO THOSE DESCRIBED BELOW, THIS WILL RECEIVE ONLY COPIES OF CERTAIN
(REPRESENTATIVE INFOR	MATION)
Tony R. Dalton, Esq.	
MAILING ADDRESS: Priority Ambulance, 9721 Cogdill Road, Sui	ite 302, Knoxville, TN 37932
E-MAIL ADDRESS: adonston@priorityambulance.com	
OFFICE TELEPHONE NUMBER: 865-770-3596	
CELL PHONE NUMBER: 865-556-9545	<sub>FAX:</sub> 865-288-4134
SIGNATURE: DUY R. Dallo	
(Please sign in ink.)  DATE: \[ \int 30 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
• •	

 $<sup>^{\</sup>rm I}$  if case is pending in Washington and Notice of appearance is sent to the general counsel or the executive secretary, a copy should be sent to the regional director of the region in which the case was filed so that those records will reflect the appearance,

### **CERTIFICATE OF SERVICE**

Employee Name:	(b) (6), (b) (7)(C)
Appearance, Questio	fy that on <u>Tan. 30,2023</u> , a copy of the Employer's Notice of onnaire on Commerce Information and Position Statement were served on address shown on his Petition as follows:
	(b) (6), (b) (7)(C)
Employer Name:	Maricopa Ambulance, LLC
I hereby certi Appearance, Questio Employer by email a	fy that on Jan. 30, 2023, a copy of the Employer's Notice of onnaire on Commerce Information and Position Statement were served on address as follows:
	lcooks@priorityambulance.com
/	alansmith@priorityambulance.com
Denga	TonyR. Dalton
Signature	Tony R. Dalton, General Counsel
$\frac{\sqrt{30}}{\text{Date}}$	23

1/19/2023 7:43 PM FROM: Staples TO: +16026402178

Form NLRB - 501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

INSTRUCTIONS:

CHARGE AGAINST EMPLOYER

DO NOT WRIT	E IN THIS SPACE
Case	Date Filed
28-CA-310665	January 19, 2023

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring. 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT a. Name of Employer b. Tel. No. (602) 252-6881 Bimbo Bakeries USA, Inc. c. Cell No. (480) 334-4676 d. Address (Street, city, state, and ZIP code) e. Employer Representative f. Fax No. (b) (6), (b) (7)(C) 3425 E Van Buren St g. e-mail (b) (6), (b) (7)(C)@grupobimbo.com Phoenix, AZ 85008 h. Number of Workers Employed i. Type of Establishment (factory, mine, j. Identify Principal Product or Service wholesaler, etc.) Factory Baked Goods I. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act. 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) During the past six months, the above-named employer has failed to bargain collectively and in good faith with Bakery, Confectionery, Tobacco Workers' and Grain Millers International Union, Local Union No. 232, AFL-CIO, CLC, by its actions, including, but not limited to, refusing to accept and process a grievance over the wrongful suspension of bargaining unit member (b) (6), (b) (7)(C) By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the National Labor Relations Act. 3. Full name of party filing charge (if labor organization, give full name, including local name and number) Bakery, Confectionery, Tobacco Workers' and Grain Millers International Union, Local Union No. 232, AFL-CIO, CLC 4a. Address (Street and number, city, state, and ZIP code) 4b. Tel. No. (602) 274-1261 3117 N 16th St 4c. Cell No. (b) (6), (b) (7)(C) Suite 220 Phoenix, AZ 85016-7679 4d. Fax No. (602) 279-1946 4e. e-mail bakersunion232@aol.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Bakery, Confectionery, Tobacco Workers' and Grain Millers International Union 6. DECLARATION Tel. No.

arge and that the statements are true to the best of my vledge and belief. (b) (6), (b) (7)(C)

ing charge)

(Print/type name and title or office, if

3117 N 16th St, Suite 220

Phoenix, AZ 85016-7679

Address:

any) Date:

1-19-2023

(602) 274-1261 Office, if any, Cell No.

(b) (6), (b) (7)(C) Fax No.

(602) 279-1946

bakersunion232@aol.com

#### WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. 1-3255327651



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 28 2600 North Central Avenue -Suite 1400 Phoenix, AZ 85004-3099 Agency Website: www.nlrb.gov Telephone: (602)640-2160 Fax: (602)640-2178 Download NLRB Mobile App

January 23, 2023

Bimbo Bakeries USA, Inc. 3425 East Van Buren Street Phoenix, AZ 85008

Re: Bimbo Bakeries USA, Inc. Case 28-CA-310665

#### Ladies and Gentlemen:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Katherine T. King-Walker whose telephone number is (602)416-4752. If this Board agent is not available, you may contact Supervisory Field Attorney Sara S. Demirok whose telephone number is (602)416-4761.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Cornele A. Overstreet Regional Director

about Morentus

### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

CAO/KTKW/kdc

	NLRB-5081 11)	NATIONAL I	ABOR RELATIONS BOARD			
()-		ONNAIRE O	N COMMERCE INFORMATION	V		
Please	e read carefully, answer all applicable items, and ret	turn to the NLRB (	Office. If additional space is required, please	add a page and i	dentify item number.	
CASI	ENAME			l l	NUMBER	
1 173	ACTIFCAL TITLE OF ENTITY (A. C.).	'.1 C 1/	441:111		-310665	
1. EA	ACT LEGAL TITLE OF ENTITY (As filed w	ith State and/or	stated in legal documents forming entity)			
2.	TYPE OF ENTITY					
		PARTNERSHI	P [ ] SOLE PROPRIETORSHIP [	] OTHER (Spe	oifu)	
	A CORPORATION or LLC	FARTNERSIII	F [] SOLL PROPRIETORSHIP [	1 OTTER (Spe	chy)	
	ATE OF INCORPORATION	B. NAME, AD	DRESS, AND RELATIONSHIP (e.g. pares	nt, subsidiary) O	F ALL RELATED E	NTITIES
OR	FORMATION					
4. II	AN LLC OR ANY TYPE OF PARTNERSHI	P, FULL NAME	AND ADDRESS OF ALL MEMBERS O	OR PARTNERS		
		,				
5 II	F A SOLE PROPRIETORSHIP, FULL NAME	AND ADDDES	S OF BDODDIETOD			
э. н	A SOLE PROPRIETORSHIP, FULL NAME	AND ADDRES	OF PROPRIETOR			
6. B	RIEFLY DESCRIBE THE NATURE OF YOU	R OPERATION	IS (Products handled or manufactured or n	ature of services	nerformed).	
0. 2.		A OI LIUIIIO.	(1 rounds randred or managaciarea, or re	and o of bot vices	, perjor meay.	
<b>5.</b> T	ADDIVISION A COLUMN		ED DD I VOLL OCHTIONS			
7/A. I	PRINCIPAL LOCATION:		7B. BRANCH LOCATIONS:			
8. N	UMBER OF PEOPLE PRESENTLY EMPLO	YED				
	A. TOTAL:	B. AT THE A	DDRESS INVOLVED IN THIS MATTER:	:		
	A. TOTAL: URING THE MOST RECENT (Check the appr					)
9. D	URING THE MOST RECENT (Check the appr	ropriate box): [	CALENDAR []12 MONTHS or [	] FISCAL YEA	AR (FYDATESYES	NO NO
9. D	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,0	ropriate box): [	CALENDAR []12 MONTHS or [	] FISCAL YEA		) NO
9. D A. D \$	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,0 you answered no to 9A, did you provide services	propriate box): [  000 directly to custs valued in excess	CALENDAR [] 12 MONTHS or [ stomers outside your State? If no, indicate a s of \$50,000 to customers in your State who	] FISCAL YEA		) NO
9. D  A. D  \$	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,0 you answered no to 9A, did you provide services you are you	propriate box): [  000 directly to custs valued in excess	CALENDAR [] 12 MONTHS or [ stomers outside your State? If no, indicate a s of \$50,000 to customers in your State who	] FISCAL YEA		NO NO
9. D  A. D  \$	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,0 you answered no to 9A, did you provide services	propriate box): [  000 directly to custs a valued in excess taide your State?	CALENDAR [] 12 MONTHS or [] stomers outside your State? If no, indicate a s of \$50,000 to customers in your State who If no, indicate the value of any such service	] FISCAL YEA		) NO
9. D  A. D  \$ B. Iff ge pr  C. Iff	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,0 you answered no to 9A, did you provide services you answered in excess of \$50,000 from directly our rovided. \$	propriate box): [  000 directly to custs valued in excess taide your State?	Stomers outside your State? If no, indicate a s of \$50,000 to customers in your State who If no, indicate the value of any such service in excess of \$50,000 to public utilities, transit	purchased es you		NO NO
A. D S B. If gg pn C. If no	id you provide services valued in excess of \$50,0  you answered no to 9A, did you provide services ods valued in excess of \$50,000 from directly our ovided. \$	propriate box): [  000 directly to custs a valued in excess taide your State?  services valued in tations, commercial com	CALENDAR [] 12 MONTHS or [] stomers outside your State? If no, indicate a s of \$50,000 to customers in your State who If no, indicate the value of any such service in excess of \$50,000 to public utilities, transitial buildings, educational institutions, or retains.	purchased es you it systems, ail concerns?		) NO
A. D. S. B. Iff gg	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,000 ground in excess of \$5	propriate box): [  000 directly to custs say valued in excess traide your State?  services valued in tations, commerciations, commerciations, commerciations, customers	Stomers outside your State? If no, indicate a stomers outside your State? If no, indicate a stomers of \$50,000 to customers in your State who If no, indicate the value of any such service in excess of \$50,000 to public utilities, transitial buildings, educational institutions, or retained to cate of \$50,000 to public utilities, transitial buildings, educational institutions, or retained to cate outside your State? If less than \$50	purchased es you it systems, ail concerns?		NO NO
9. D  A. D  \$ 16 ge  pri  C. Iff  no  Iff  D. D  au  E. Iff	id you provide services valued in excess of \$50,0  you answered no to 9A, did you provide services odds valued in excess of \$50,000 from directly our rovided. \$	ropriate box): [  000 directly to customers  s valued in excess tside your State?  services valued in tations, commerce ectly to customers  d in excess of \$50	Stomers outside your State? If no, indicate a sof \$50,000 to customers in your State who If no, indicate the value of any such services in excess of \$50,000 to public utilities, transicial buildings, educational institutions, or retained to be considered outside your State? If less than \$50,000 directly to customers located inside your state?	purchased es you it systems, ail concerns?		) NO
9. D  A. D  \$ 16 ge  pri  C. Iff  no  Iff  D. D  au  E. Iff	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,000 ground in excess of \$5	ropriate box): [  000 directly to customers  s valued in excess tside your State?  services valued in tations, commerce ectly to customers  d in excess of \$50	Stomers outside your State? If no, indicate a sof \$50,000 to customers in your State who If no, indicate the value of any such services in excess of \$50,000 to public utilities, transicial buildings, educational institutions, or retained to be considered outside your State? If less than \$50,000 directly to customers located inside your state?	purchased es you it systems, ail concerns?		NO NO
9. D  A. D  \$ 1  B. Iff  C. Iff  D. D  an  E. Iff  F. D	id you provide services valued in excess of \$50,0 you answered no to 9A, did you provide services ods valued in excess of \$50,000 from directly our rovided. \$  you answered no to 9A and 9B, did you provide ewspapers, health care institutions, broadcasting strictly our self goods valued in excess of \$50,000 directly our self goods valued in excess of \$50,000 directly our self goods valued in excess of \$50,000 directly our self goods valued in excess of \$50,000 directly our self goods valued in excess of \$50,000 directly our purchased other goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and purchase and	ropriate box): [  000 directly to custs valued in excess take your State?  services valued in tations, commerciations, commerciations, commerciations of \$50 from directly out	Stomers outside your State? If no, indicate a sof \$50,000 to customers in your State who If no, indicate the value of any such services a excess of \$50,000 to public utilities, transical buildings, educational institutions, or retain the property of the state of th	purchased es you it systems, ail concerns?		) NO
9. D  A. D  \$ 16 pp  C. Iff  D. D  arr  E. Iff  F. D  in	id you provide services valued in excess of \$50,0  you answered no to 9A, did you provide services ods valued in excess of \$50,000 from directly our rovided. \$	ropriate box): [  000 directly to custs valued in excess take your State?  services valued in tations, commerciations, commerciations, commerciations of \$50,000 from directly out	Stomers outside your State? If no, indicate a sof \$50,000 to customers in your State who If no, indicate the value of any such services nexcess of \$50,000 to public utilities, transical buildings, educational institutions, or retain the property of the state of the	purchased es you it systems, ail concerns?  0,000, indicate our State who ate amount.		NO NO
9. D  A. D  \$ 1  B. If get	id you provide services valued in excess of \$50,00 grounds are considered by the services of \$50,000 from directly our covided. \$\frac{1}{2}\$ you answered no to 9A, and 9B, did you provide services of \$50,000 from directly our covided. \$\frac{1}{2}\$ you answered no to 9A and 9B, did you provide except the services of \$50,000, indicate amount. \$\frac{1}{2}\$ you sell goods valued in excess of \$50,000 directly our covided. \$\frac{1}{2}\$ you answered no to 9D, did you sell goods valued in excess of \$50,000 directly our chase of \$50,000 directly our purchase and receive goods valued in excess of \$50,000 directly our purchase and receive goods valued in except the your purchase and receive goods yalved in except the your purchase and receive goods yalved in except the your purchase and yellow the your purchase and yellow the yel	ropriate box): [  000 directly to customers tside your State?  services valued in tations, commerce ectly to customers d in excess of \$50 from directly out  cess of \$50,000 fr  dicate amount. \$	stomers outside your State? If no, indicate a s of \$50,000 to customers in your State who If no, indicate the value of any such services a excess of \$50,000 to public utilities, transicial buildings, educational institutions, or retained to be side your State? If less than \$50,000 directly to customers located inside your State? If less than \$50,000, indicate your State? If less than your State? If less than your State? If less than your enterprises who received the goods directly your state?	purchased es you it systems, ail concerns?  0,000, indicate our State who ate amount.		) NO
9. D  A. D  \$ 1  B. If get	id you provide services valued in excess of \$50,00 grounds are considered to the services of \$50,000 from directly our covided. \$	ropriate box): [  000 directly to customers taide your State?  services valued in excess taide your State?  services valued in taitions, commerciations, comme	stomers outside your State? If no, indicate a sof \$50,000 to customers in your State who If no, indicate the value of any such services a excess of \$50,000 to public utilities, transicial buildings, educational institutions, or retained by the state? If less than \$50,000 directly to customers located inside your State? If less than \$50,000 directly outside your State? If less than \$50,000, indicated outside your State? If less than \$50,000 directly outside your State?	purchased es you it systems, ail concerns?  0,000, indicate our State who ate amount.		) NO
9. D  A. D  \$_general Section of the	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,000 from directly our rovided. \$	propriate box): [  1000 directly to custs s valued in excess traide your State?  1000 services valued in the training commerce 1000 directly to customers 1000 directly to customers 1000 directly to customers 1000 directly out 1000 directly to customers 1000 directly to cus	stomers outside your State? If no, indicate as of \$50,000 to customers in your State who If no, indicate the value of any such services an excess of \$50,000 to public utilities, transicial buildings, educational institutions, or retained as located outside your State? If less than \$50,000 directly to customers located inside your State? If less than \$50,000, indicate your State? If less than \$50,000, indicate amount of the largest amount)	purchased es you it systems, ail concerns?  0,000, indicate our State who ate amount.		NO NO
9. D  A. D  \$_2  B. If  gg pp  C. If  no  if  D. D  an  E. If  pp  \$_2  F. D  in  G. D  po  H. (	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,000 from directly our rovided. \$	propriate box): [  2000 directly to custs a valued in excess taide your State?  services valued in tations, commerciations, co	Stomers outside your State? If no, indicate a stomers outside your State? If no, indicate a stof \$50,000 to customers in your State who If no, indicate the value of any such service in excess of \$50,000 to public utilities, transitial buildings, educational institutions, or retained buildings, educational institutions, or retaine	purchased es you it systems, ail concerns?  0,000, indicate our State who ate amount.  a \$50,000, ctly from	YES	
9. D  A. D  \$_2 B. If ge pr  C. If D. D  ar  E. If F. D  im G. D  po  H. (	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,000 from directly our rovided. \$	ropriate box): [  2000 directly to custs a valued in excess traide your State?  services valued in tations, commerciations, co	Stomers outside your State? If no, indicate a sof \$50,000 to customers in your State who If no, indicate the value of any such services an excess of \$50,000 to public utilities, transicial buildings, educational institutions, or retained buildings, educational institutions, or reta	purchased es you it systems, ail concerns?  0,000, indicate our State who ate amount.  a \$50,000, ctly from	YES	
9. D  A. D  \$_2 B. If ge pri C. If no at E. If pri \$_2 F. D  H. 0  I. 10. A	URING THE MOST RECENT (Check the approvide you provide services valued in excess of \$50,000 from directly out to you answered no to 9A, did you provide services odds valued in excess of \$50,000 from directly out to you answered no to 9A and 9B, did you provide except and you answered no to 9A and 9B, did you provide except and you sell goods valued in excess of \$50,000 directly you answered no to 9D, did you sell goods valued in excess of \$50,000 directly you answered no to 9D, did you sell goods valued in excess of \$50,000 did you purchase and receive goods valued in except and you purchase and receive goods valued in except you purchase you you purchase you	propriate box): [  1000 directly to custs a valued in excess traide your State?  1000 services valued in tations, commercial training,	CALENDAR [] 12 MONTHS or [] stomers outside your State? If no, indicate a sof \$50,000 to customers in your State who If no, indicate the value of any such services an excess of \$50,000 to public utilities, transicial buildings, educational institutions, or retained buildings, educa	purchased es you it systems, ail concerns?  0,000, indicate our State who ate amount.  1 \$50,000, ctly from	YES	

### PRIVACY ACT STATEMENT

DATE

E-MAIL ADDRESS

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

SIGNATURE

NAME AND TITLE (Type or Print)

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

### **UNITED STATES OF AMERICA**

### **BEFORE THE NATIONAL LABOR RELATIONS BOARD**

BIMBO BAKERIES USA, INC.	
Charged Party	
and	Case 28-CA-310665
BAKERY, CONFECTIONERY, TOBACCO WORKERS' AND GRAIN MILLERS INTERNATIONAL UNION, LOCAL UNION NO. 232	
Charging Party	
AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER	
I, the undersigned employee of the National Labor Relations Board, state under oath that on January 23, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:	
Bimbo Bakeries USA, Inc. 3425 East Van Buren Street Phoenix, AZ 85008	
January 23, 2023	Karen Carter, Designated Agent of NLRB
Date	Name

/s/ Karen D. Carter

Signature



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD



REGION 28 2600 North Central Avenue -Suite 1400 Phoenix, AZ 85004-3099 Agency Website: www.nlrb.gov Telephone: (602)640-2160 Fax: (602)640-2178 Download NLRB Mobile App

January 23, 2023

Bakery, Confectionery, Tobacco Workers' and Grain Millers International Union, Local Union No. 232 3117 North 16th Street Suite 220 Phoenix, AZ 85016-7679

Re: Bimbo Bakeries USA, Inc. Case 28-CA-310665

#### Ladies and Gentlemen:

The charge that you filed in this case on January 19, 2023 has been docketed as case number 28-CA-310665. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Katherine T. King-Walker whose telephone number is (602)416-4752. If this Board agent is not available, you may contact Supervisory Field Attorney Sara S. Demirok whose telephone number is (602)416-4761.

<u>Right to Representation</u>: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Cornele A. Overstreet Regional Director

andell Brenting

### Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

CAO/KTKW/kdc



# **Important Information About NLRB Investigations for Immigrant Workers**



## The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- ➤ Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

## Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
  - We will **NOT** ask you about your immigration status.
  - O You **DO NOT** need to share any information with us about your immigration status.
  - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will NOT disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

For more information on the NLRB, please visit our website, www.nlrb.gov.



### Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

## A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
  - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
  - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
  - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

Para más información acerca de la NLRB, por favor visite nuestra página web, <u>www.nlrb.gov</u>.

FORM NLRB-501 (3-21)

#### UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE			
Case		Date F ed	
	28-CA-311149	January 23, 2023	

#### INSTRUCTIONS:

A Name of Emp oyer  3H Service System d'b'a 3H & 3H  an Name of Emp oyer  3H Service System d'b'a 3H & 3H  and Address (Shreet, city, state, and ZiP code)  (b) (6) (7) (7) (C)  an Emp oyer Representative  (b) (6) (7) (7) (C)  and Address (Shreet, city, state, and ZiP code)  (c) Emp oyer Representative  (b) (6) (7) (C)  an Implication of workers emp oyed 30  and a state of the National Labor Relations Act, and these unfair labor practices within the meaning of section 8(a), subsections (1) and (sist subsections) of the National Labor Relations Act, and these unfair labor practices affecting commerce within the meaning of the Act and the Postal Recognization Act.  2. Bas of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  During the last six months, the above named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the NLRA, by its actions, including, but not limited to, issuing discipline to its employees, making threats of discipline to employees because their union and other protected activities; interrogating employees about their unions they protected and other a cite has above-named employer has interfered with, restrained, and coerced its employees in the exercise of their rights guaranteed under Section 7 of the Act.  3. Fu name of party I ng charge (if labor organization, give hill name, including local name and number)  United Food and Commercial Workers Union Local 99  40. Te. No.  602-251-0459  40. Fu No.  602-251-0459  40. Fu No.  602-251-0454  Office, Tarry, Ce No.  Fax No.  602-251-0454  Office, Tarry, Ce No.  Fax No.  602-251-0454  Office, Tarry, Ce No.	File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.						
3H Service System d/b/a 3H & 3H  d/7-205-3233  c. Ce No.  I. Fax N		OYER AGAINST WHOM CHARGE IS BROUGHT					
d. Address (Chreet, city, state, and ZIP code) (D) (G), (b) (7) (C)  DESCRIPTION  C. Emp oyer Representative  DESCRIPTION  G. Emp oyer Representative  J. Type of Estab shment (lactory, mine, wholesaler, etc.)  Janitorial Company  Janitorial Services  The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Bas soft line Charging (self tort in eater and concise statement of the facts constituting the alleged unfair labor practices)  During the last six months, the above named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the NLRA, by its actions, including, but not limited to, issuing discipline to its employees bout their union activity: by creating the impression that employee's union activities were under surveillance.  By the above and other acts the above-named employer has interfered with, restrained, and coerced its employees in the exercise of their rights guaranteed under Section 7 of the Act.  3. Fu name of party I ng charge (ill labor organization, give full name, including local name and number)  United Food and Commercial Workers Union Local 99  40. Te, No.  602-251-0459  4e. e. ma  5. Fu name of nationa or international abor organization of which I is an affi atte or constituent unit (to be filled in when charge is filled by a labor organization)  United Food and Commercial Workers International Union  6. DECLARATION  1 declare that I have read the above charge and that the statements are true to the best of imply knowledge and begief.  Martin Hermandez, Director of organizing  (dignature of representative or person making charge)  (Printlype name and 880 or office if any)  Fax No.							
d. Address (ctreet, city, state, and ZIP code) (b) (6), (b) (7) (C)  PARTICLE OF COMMON (C)			c. Ce No.				
G. (b) (6), (b) (7)(C)   G. (c) (G.	d Address (St. 1 % 11 1 1 779 1)	a Employer Bancacantetus	f. Fax. No.				
Type of Estab stiment (factory, mine, wholesaler, etc.)  Janiforial Company  The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Bas s of the Chatge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  During the last six months, the above named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the NLRA, by its actions, including, but not limited to, issuing discipline to its employees; making threats of discipline to employees because their union and other protected activities; interrogating employees about their union activity; by creating the impression that employee's union activities were under surveillance.  By the above and other acts the above-named employer has interfered with, restrained, and coerced its employees in the exercise of their rights guaranteed under Section 7 of the Act.  3. Fu name of party 1 ng charge (if labor organization, give fulf name, including local name and number)  United Food and Commercial Workers Union Local 99  40. Te. No.  40. Te. No.  602-254-0099  4c. Ce. No.  4d. Fax No.  602-251-0459  4e. e.ma  Final No.  602-251-0454  Office, Tary, Ce. No.  Fax No.  602-251-0454  Office, Tary, Ce. No.			g. e-ma				
Type of Estab shment (factory, mine, wholesaler, etc.) Janitorial Company  The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Bas of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  During the last six months, the above named employer has interfered with, restrained, and coreced employees in the exercise of their rights under Section 7 of the NLRA, by its actions, including, but not limited to, issuing discipline to its employees; making threats of discipline to employees because their union and other protected activities; interrogating employees about their union activity; by creating the impression that employee's union activities were under surveillance.  By the above and other acts the above-named employer has interfered with, restrained, and coerced its employees in the exercise of their rights guaranteed under Section 7 of the Act.  3. Fu name of party 1 ng charge (if labor organization, give full name, including local name and number)  United Food and Commercial Workers Union Local 99  4a. Address (Great and number, city, state, and ZIP code)  240 I N. Central Avenue  Phoenix, Arizona 85004  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and bejiet.  Martin Hernandez, Director of organizing  (isignature of representative or person making charge)  (incline)  (inclin	(b) (b), (b) (r)(c)						
Janitorial Company   Janitorial Services							
(list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Bas s of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  During the last six months, the above named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the NLRA, by its actions, including, but not limited to, issuing discipline to its employees making threats of discipline to employees because their union and other protected activities; interrogating employees about their union activity; by creating the impression that employee's union activities were under surveillance.  By the above and other acts the above-named employer has interfered with, restrained, and coerced its employees in the exercise of their rights guaranteed under Section 7 of the Act.  3. Fu name of party 1 ng charge (if labor organization, give full name, including local name and number)  United Food and Commercial Workers Union Local 99  4a. Address (Gtreet and number, city, state, and ZIP code)  2401 N. Central Avenue  Phoenix, Arizona 85004  4b. Te, No.  602-251-0459  4c. Ce No.  4d. Fax No.  602-251-0459  4e. e-ma  5. Fu name of nationa or internationa abor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  United Food and Commercial Workers International Union  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and bejief.  Martin Hernandez, Director of organizing  (Finith) pe name and title or office if any)  Fax No.  6-ma							
practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.  2. Bas s of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)  During the last six months, the above named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the NLRA, by its actions, including, but not limited to, issuing discipline to its employees; making threats of discipline to employees because their union activities were under surveillance.  By the above and other acts the above-named employer has interfered with, restrained, and coerced its employees in the exercise of their rights guaranteed under Section 7 of the Act.  3. Fu name of party1 ng charge (if labor organization, give full name, including local name and number)  United Food and Commercial Workers Union Local 99  4a. Address (Street and number, city, state, and 2IP code)  4d. Fax No.  602-251-0459  4e. e-ma  5. Fu name of nationa or international aborio organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  United Food and Commercial Workers International Union  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  Martin Hernandez, Director of organizing  Martin Hernandez, Director of organizing  (Frinthype name and title or office if any)  same as 4a  O1-10-2023  Fe. Mo.  6-ma	The above-named employer has engaged in and is engaged	ging in unfair labor practices within the meaning of secti	on 8(a), subsections (1) and				
meaning of the Act and the Postal Reorganization Act.  2. Bas 5 of the Charge (set forth a clear and concise statement of the facts constituting the alleged untair labor practices)  During the last six months, the above named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the NLRA, by its actions, including, but not limited to, issuing discipline to its employees; making threats of discipline to employees because their union and other protected activities; interrogating employees about their union activity; by creating the impression that employee's union activities were under surveillance.  By the above and other acts the above-named employer has interfered with, restrained, and coerced its employees in the exercise of their rights guaranteed under Section 7 of the Act.  3. Fu name of party 1 ng charge (if labor organization, give full name, including local name and number)  United Food and Commercial Workers Union Local 99  4a. Address (Gireet and number, city, state, and ZIP code)  4d. Fax No.  602-254-0099  4c. Ce No.  4d. Fax No.  602-251-0459  4e. e-ma  5. Fu name of nationa or international abor organization of which 1 s an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  United Food and Commercial Workers International Union  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  Martin Hernandez, Director of organizing  Martin Hernandez, Director of organizing  (Frint/type name and title or office if any)  Fax No.  Fax No.  e-ma			,				
During the last six months, the above named employer has interfered with, restrained, and coerced employees in the exercise of their rights under Section 7 of the NLRA, by its actions, including, but not limited to, issuing discipline to its employees; making threats of discipline to employees because their union and other protected activities; interrogating employees about their union activity; by creating the impression that employee's union activities were under surveillance.  By the above and other acts the above-named employer has interfered with, restrained, and coerced its employees in the exercise of their rights guaranteed under Section 7 of the Act.  3. Fu name of party 1 ng charge (If labor organization, give full name, including local name and number)  United Food and Commercial Workers Union Local 99  4a. Address (Giveet and number, city, state, and ZIP code)  2401 N. Central Avenue  Phoenix, Arizona 85004  5. Fu name of nationa or international abor organization of which 1 s an aff ale or constituent unit (to be filled in when charge is filled by a labor organization)  United Food and Commercial Workers International Union  6. DECLARATION  I declare that I have read the above charge and that the statements are true to the best of my knowledge and bejief.  Martin Hemandez, Director of organizing		aning of the Act, or these unfair labor practices are prac	ctices affecting commerce within the				
rights under Section 7 of the NLRA, by its actions, including, but not limited to, issuing discipline to its employees; making threats of discipline to employees because their union and other protected activities; interrogating employees about their union activity; by creating the impression that employee's union activities were under surveillance.  By the above and other acts the above-named employer has interfered with, restrained, and coerced its employees in the exercise of their rights guaranteed under Section 7 of the Act.  3. Fu name of party 1 ng charge (if labor organization, give full name, including local name and number)  United Food and Commercial Workers Union Local 99  4a. Address (Gtreet and number, city, state, and ZIP code)  2401 N. Central Avenue  Phoenix, Arizona 85004  4b. Te. No. 602-254-0099  4c. Ce. No.  4d. Fax No. 602-251-0459  4e. e-ma  5. Fu name of nationa or international abor organization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization)  United Food and Commercial Workers International Union  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and beglief.  Martin Hernandez, Director of organizing  (Frinthype name and title or office it any)  Fax No.  Fax No.  602-251-0454  Office, I any, Ce. No.  Fax No.  e-ma							
United Food and Commercial Workers Union Local 99  4a. Address (Street and number, city, state, and ZIP code) 2401 N. Central Avenue Phoenix, Arizona 85004  4b. Te. No. 602-254-0099 4c. Ce No.  4d. Fax No. 602-251-0459 4e. e-ma  5. Fu name of national or international abortorganization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization) United Food and Commercial Workers International Union  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and begief.  Martin Hernandez, Director of organizing (signature of representative or person making charge)  Martin Hernandez, Office, fany, Ce. No.  Fax No.  Fax No.  e-ma	rights under Section 7 of the NLRA, by its actions, including, but not limited to, issuing discipline to its employees; making threats of discipline to employees because their union and other protected activities; interrogating employees about their union activity; by creating the impression that employee's union activities were under surveillance.  By the above and other acts the above-named employer has interfered with, restrained, and coerced its employees in the exercise of their						
United Food and Commercial Workers Union Local 99  4a. Address (Street and number, city, state, and ZIP code) 2401 N. Central Avenue Phoenix, Arizona 85004  4b. Te. No. 602-254-0099 4c. Ce No.  4d. Fax No. 602-251-0459 4e. e-ma  5. Fu name of national or international abortorganization of which it is an affiliate or constituent unit (to be filled in when charge is filled by a labor organization) United Food and Commercial Workers International Union  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and begief.  Martin Hernandez, Director of organizing (signature of representative or person making charge)  Martin Hernandez, Office, fany, Ce. No.  Fax No.  Fax No.  e-ma	3. Fu name of party f ng charge (if labor organization, g	ive full name, including local name and number)					
2401 N. Central Avenue Phoenix, Arizona 85004  602-254-0099 4c. Ce No.  4d. Fax No. 602-251-0459 4e. e-ma  5. Fu name of nat ona or international abor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) United Food and Commercial Workers International Union  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  Martin Hernandez, Director of organizing (signature of representative or person making charge)  Martin Hernandez, Director of organizing (Print/type name and title or office if any) Fax No.  e-ma							
Phoenix, Arizona 85004  4c. Ce No.  4d. Fax No. 602-251-0459 4e. e-ma  5. Fu name of national or international abortoganization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  United Food and Commercial Workers International Union  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  Martin Hernandez, Director of organizing  (signature of representative or person making charge)  Martin Hernandez, Director of organizing  (Print/type name and title or office if any)  Fax No.  e-ma	4a. Address (Street and number, city, state, and ZIP code	e)	4b. Te . No.				
4d. Fax No. 602-251-0459 4e. e-ma  5. Fu name of national or international abor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  United Food and Commercial Workers International Union  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  Martin Hernandez, Director of organizing  (Signature of representative or person making charge)  Martin Hernandez, Director of organizing  (Print/type name and title or office if any)  Fax No.  e-ma			602-254-0099				
5. Fu name of national or international abor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  United Food and Commercial Workers International Union  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  Martin Hernandez, Director of organizing  (signature of representative or person making charge)  Martin Hernandez, Director of organizing  (Print/type name and title or office if any)  Fax No.  e-ma	Phoenix, Arizona 85004		4c. Ce No.				
5. Fu name of national or international abort organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)  United Food and Commercial Workers International Union  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  Martin Hernandez, Director of organizing  (signature of representative or person making charge)  Martin Hernandez, Director of organizing  (Print/type name and title or office if any)  Fax No.  e-ma							
United Food and Commercial Workers International Union  6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  Martin Hernandez, Director of organizing  (signature of representative or person making charge)  Martin Hernandez, Director of organizing  (Print/type name and title or office if any)  Fax No.  e-ma			4e. e-ma				
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  Martin Hernandez, Director of organizing  (signature of representative or person making charge)  Martin Hernandez, Director of organizing  (Print/type name and title or office if any)  Fax No.  e-ma	5. Fu name of nat ona or nternat ona abor organ zat on	of which it is an aff ate or constituent unit (to be filled i	in when charge is filed by a labor organization)				
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.  Martin Hernandez, Director of organizing  (signature of representative or person making charge)  Martin Hernandez, Director of organizing  (Print/type name and title or office if any)  Fax No.  e-ma	United Food and Commercial Workers Internation	al Union					
(signature of representative or person making charge)  (Print/type name and title or office if any)  Fax No.  same as 4a  01-10-2023  e-ma	I declare that I have read the about						
same as 4a 01-10-2023 e-ma		MAYTIN HEINMOEL	Off ce, f any, Ce No.				
01-10-2025	(signature of representative or person making charge)	(Print/type name and title or office if any)	Fax No.				
·		Date 01-10-2023					

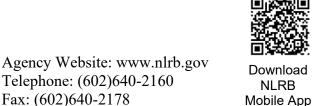
WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA) 29 U S C § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register 71 Fed Reg 74942 43 (Dec 13 2006) The NLRB will further explain these uses upon request Disclosure of this information to the NLRB is voluntary; however failure to supply the information may cause the NLRB to decline to invoke its processes



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 28 2600 North Central Avenue Suite 1400 Phoenix, AZ 85004-3099



January 30, 2023

3H Service System d/b/a 3H & 3H 1610 Plunketts Road Buford, GA 30519

Re: 3H Service System d/b/a 3H & 3H

Case 28-CA-311149

#### Ladies and Gentlemen:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney Mehmet A. Kepir whose telephone number is (602)416-4753. If this Board agent is not available, you may contact Supervisory Field Attorney Sara S. Demirok whose telephone number is (602)416-4761.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a>, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Cornele A. Overstreet Regional Director

andell Mountant

#### Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

CAO/MAK/acp

FORM NLRB-5081 (3-11)	NATIONAL LABOR RELA	ATIONS BOARD				
	TIONNAIRE ON COMME	RCE INFORMATION				
Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.						
CASE NAME			CASE NUMBER			
			8-CA-311149			
1. EXACT LEGAL TITLE OF ENTITY (As filed	with State and/or stated in legal	documents forming entity)				
2. TYPE OF ENTITY						
[] CORPORATION [] LLC [] LLP	] PARTNERSHIP [ ] SOL	E PROPRIETORSHIP [ ] OTHE	R (Specify)			
3. IF A CORPORATION or LLC						
A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND	RELATIONSHIP (e.g. parent, subside	ary) OF ALL RELATED I	ENTITIES		
OR FORMATION						
4. IF AN LLC OR ANY TYPE OF PARTNERSH	IIP, FULL NAME AND ADDRI	ESS OF ALL MEMBERS OR PART	NERS			
5 IF A COLE PROPRIETOROUGH FULL NAM	E AND ADDRESS OF BRODE	TETOD				
5. IF A SOLE PROPRIETORSHIP, FULL NAM	E AND ADDRESS OF PROPE	IE I UK				
A DRIVET WATER COLUMN	UD ODED ATIONS (D. 1 . 1	" '				
6. BRIEFLY DESCRIBE THE NATURE OF YO	UK OPERATIONS (Products h	andled or manufactured, or nature of s	ervices performed).			
7A. PRINCIPAL LOCATION:	7B. BRANC	TH LOCATIONS:				
0 NUMBER OF BEODY F DRESENTS VENDS	OVED					
8. NUMBER OF PEOPLE PRESENTLY EMPLOYED						
A TOTAL.	D ATTHE ADDRESS DAY	OLVED IN THE MATTED.				
A. TOTAL:	B. AT THE ADDRESS INV		I VEAD /EV DATES	<b>)</b>		
A. TOTAL:  9. DURING THE MOST RECENT (Check the ap				)		
	propriate box): [ ] CALENDAI	R []12 MONTHS or []FISCA	YES	NO NO		
DURING THE MOST RECENT (Check the ap  A. Did you provide services valued in excess of \$50  \$	propriate box): [ ] CALENDAI	e your State? If no, indicate actual value	YES e.	) NO		
DURING THE MOST RECENT (Check the ap      Did you provide services valued in excess of \$50     \$      B. If you answered no to 9A, did you provide services.	propriate box): [ ] CALENDAI  0,000 directly to customers outside es valued in excess of \$50,000 to	e your State? If no, indicate actual value customers in your State who purchased	YES e.	NO NO		
DURING THE MOST RECENT (Check the ap  A. Did you provide services valued in excess of \$50  \$	propriate box): [ ] CALENDAI  0,000 directly to customers outside es valued in excess of \$50,000 to	e your State? If no, indicate actual value customers in your State who purchased	YES e.	NO NO		
DURING THE MOST RECENT (Check the ap      A. Did you provide services valued in excess of \$50     \$      B. If you answered no to 9A, did you provide service goods valued in excess of \$50,000 from directly of the service goods.	propriate box): [ ] CALENDAI  0,000 directly to customers outside es valued in excess of \$50,000 to outside your State? If no, indicate	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you	YES e.	NO NO		
DURING THE MOST RECENT (Check the ap  A. Did you provide services valued in excess of \$50      S  B. If you answered no to 9A, did you provide service goods valued in excess of \$50,000 from directly oprovided. \$  C. If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting	propriate box): [ ] CALENDAI  0,000 directly to customers outside  res valued in excess of \$50,000 to  outside your State? If no, indicate  the services valued in excess of \$50	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you	YES e.	NO NO		
DURING THE MOST RECENT (Check the ap  A. Did you provide services valued in excess of \$50  \$	propriate box): [ ] CALENDAI  0,000 directly to customers outside es valued in excess of \$50,000 to outside your State? If no, indicate e services valued in excess of \$50 stations, commercial buildings, e	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concentrations.	YES e. I	NO NO		
DURING THE MOST RECENT (Check the ap  A. Did you provide services valued in excess of \$50      S  B. If you answered no to 9A, did you provide service goods valued in excess of \$50,000 from directly oprovided. \$  C. If you answered no to 9A and 9B, did you provide newspapers, health care institutions, broadcasting	propriate box): [ ] CALENDAI  0,000 directly to customers outside es valued in excess of \$50,000 to outside your State? If no, indicate e services valued in excess of \$50 stations, commercial buildings, e	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concentrations.	YES e. I	NO NO		
DURING THE MOST RECENT (Check the approximate the composition of	propriate box): [ ] CALENDAI  0,000 directly to customers outside  tes valued in excess of \$50,000 to  outside your State? If no, indicate  te services valued in excess of \$50  stations, commercial buildings, e  irectly to customers located outside  ted in excess of \$50,000 directly to	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concern be your State? If less than \$50,000, indicate of customers located inside your State was actually a point of the property of the pro	YES e. l	NO NO		
A. Did you provide services valued in excess of \$50 \$	propriate box): [ ] CALENDAI  0,000 directly to customers outside  tes valued in excess of \$50,000 to  outside your State? If no, indicate  te services valued in excess of \$50  stations, commercial buildings, e  irectly to customers located outside  ted in excess of \$50,000 directly to	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concern be your State? If less than \$50,000, indicate of customers located inside your State was actually a point of the property of the pro	YES e. l	NO NO		
A. Did you provide services valued in excess of \$50 \$	propriate box): [ ] CALENDAI  1,000 directly to customers outside  2,000 directly to customers outside  2,000 directly to customers of \$50,000 to  2,000 directly in excess of \$50,000 to  3,000 directly to customers located outside  3,000 directly to customers located outside  4,000 directly to customers located outside  5,000 directly to from directly outside your State	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concern be your State? If less than \$50,000, indicate amount of the customers located inside your State with the customers located inside your	YES e. l	NO NO		
A. Did you provide services valued in excess of \$50 \$	propriate box): [ ] CALENDAI  1,000 directly to customers outside tes valued in excess of \$50,000 to outside your State? If no, indicate te services valued in excess of \$50 stations, commercial buildings, es frectly to customers located outside ted in excess of \$50,000 directly to from directly outside your State  1,000 directly outside your State	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concern the your State? If less than \$50,000, indicate amount is your State?	YES e. l	NO NO		
A. Did you provide services valued in excess of \$50 \$	propriate box): [ ] CALENDAI  1,000 directly to customers outside tes valued in excess of \$50,000 to toutside your State? If no, indicate te services valued in excess of \$50 stations, commercial buildings, es trectly to customers located outside ted in excess of \$50,000 directly to from directly outside your State excess of \$50,000 from directly outsides excess of \$50,000 from directly outsides excess of \$50,000 from enterprises	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concern the your State? If less than \$50,000, indicate amount is your State?	YES e. l	NO NO		
A. Did you provide services valued in excess of \$50 \$	propriate box): [ ] CALENDAI  1,000 directly to customers outside tes valued in excess of \$50,000 to toutside your State? If no, indicate te services valued in excess of \$50 stations, commercial buildings, e trectly to customers located outside ted in excess of \$50,000 directly to from directly outside your State excess of \$50,000 from directly out excess of \$50,000 from enterprises indicate amount. \$	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concern the your State? If less than \$50,000, indicate amounts to customers located inside your State or If less than \$50,000, indicate amounts the your State? If less than \$50,000, who received the goods directly from	YES e. l	NO NO		
A. Did you provide services valued in excess of \$50 \$	propriate box): [ ] CALENDAI  1,000 directly to customers outside tes valued in excess of \$50,000 to toutside your State? If no, indicate te services valued in excess of \$50 stations, commercial buildings, e trectly to customers located outside ted in excess of \$50,000 directly to 0 from directly outside your State excess of \$50,000 from directly out excess of \$50,000 from enterprises indicate amount. \$  of services (Check the largest amount)	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concerne your State? If less than \$50,000, indicate amounts tide your State? If less than \$50,000, indicate amounts to customers located inside your State are its less than \$50,000, indicate amounts who received the goods directly from to pount)	YES e. l	NO NO		
A. Did you provide services valued in excess of \$50 \$	propriate box): [ ] CALENDAI  1,000 directly to customers outside tes valued in excess of \$50,000 to putside your State? If no, indicate te services valued in excess of \$50 stations, commercial buildings, e firectly to customers located outside ted in excess of \$50,000 directly to from directly outside your State to from directly outside your State excess of \$50,000 from directly out excess of \$50,000 from enterprises indicate amount. \$  of services (Check the largest am excess (Check the largest am exce	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concerne your State? If less than \$50,000, indicate amounts tide your State? If less than \$50,000, indicate amounts to customers located inside your State are its less than \$50,000, indicate amounts who received the goods directly from to pount)	YES e. l	NO NO		
A. Did you provide services valued in excess of \$50 \$	propriate box): [ ] CALENDAI  1,000 directly to customers outside  the valued in excess of \$50,000 to  putside your State? If no, indicate  the services valued in excess of \$50  stations, commercial buildings, est  the customers located outside  the directly to customers located outside  the directly outside your State  the customers of \$50,000 directly to  the customers of \$50,000 directly outside your State  the customers of \$50,000 from directly outside your State  the customers of \$50,000 from enterprises indicate amount. \$  of services (Check the largest am  [ ] \$1,000,000 or more If less  onths? If yes, specify date:	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concente your State? If less than \$50,000, indicate amount trial concentration of the your State? If less than \$50,000, indicate amount trial your State? If less than \$50,000, who received the goods directly from than \$100,000, indicate amount.	YES  e.  lus?  cate tho tt.			
P. DURING THE MOST RECENT (Check the appearance of the composite of the c	propriate box): [ ] CALENDAI  1,000 directly to customers outside  2,000 directly to customers outside  2,000 directly to customers outside  2,000 directly in excess of \$50,000 to  2,000 directly in excess of \$50,000 to  3,000 directly to customers located outside  3,000 directly to customers located outside  4,000 directly outside your State  5,000 from directly outside your State  5,000 from enterprises indicate amount. \$  6,000 from outside your State  7,000 from outside your State  8,000 from outside your State  9,000	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 0,000 to public utilities, transit systems ducational institutions, or retail concente your State? If less than \$50,000, indicate amount trial concentration of the your State? If less than \$50,000, indicate amount trial your State? If less than \$50,000, who received the goods directly from than \$100,000, indicate amount.	YES  e.  lus?  cate tho tt.			
A. Did you provide services valued in excess of \$50 \$	propriate box): [ ] CALENDAI  1,000 directly to customers outside  2,000 directly to customers outside  2,000 directly to customers outside  2,000 directly in excess of \$50,000 to  2,000 directly in excess of \$50,000 directly to  3,000 directly outside your State  4,000 directly outside your State  5,000 from directly outside your State  6,000 from enterprises  6,000 from enterprises  6,000 from or enterprises  6,000 from	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 2,000 to public utilities, transit systems ducational institutions, or retail concern the your State? If less than \$50,000, indicate amount the your State? If less than \$50,000, indicate amount than \$100,000, indicate amount than \$100,000, indicate amount.	YES e. l as? cate tho t.			
A. Did you provide services valued in excess of \$50 \$	propriate box): [ ] CALENDAI  1,000 directly to customers outside  2,000 directly to customers outside  2,000 directly to customers outside  2,000 directly in excess of \$50,000 to  2,000 directly in excess of \$50,000 directly to  3,000 directly outside your State  4,000 directly outside your State  5,000 from directly outside your State  6,000 from enterprises  6,000 from enterprises  6,000 from or enterprises  6,000 from	e your State? If no, indicate actual value customers in your State who purchased the value of any such services you 2,000 to public utilities, transit systems ducational institutions, or retail concern the your State? If less than \$50,000, indicate amount the your State? If less than \$50,000, indicate amount than \$100,000, indicate amount than \$100,000, indicate amount.	YES e. l as? cate tho t.			

SIGNATURE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations
Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71
Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause
the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

E-MAIL ADDRESS

DATE

## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

3H SERVICE SYSTEM D/B/A 3H & 3H				
Charged Party				
and	Case 28-CA-311149			
UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION, LOCAL 99, AFL- CIO, CLC				
Charging Party				
AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER  I, the undersigned employee of the National Labor Relations Board, state under oath that on January 30, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:				
3H Service System d/b/a 3H & 3H 1610 Plunketts Road Buford, GA 30519				
January 30, 2023	Abbra Pyle, Designated Agent of NLRB			
Date	Name			
	/s/ Abbra Pyle			
	Signature			



### UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

**REGION 28** 2600 North Central Avenue **Suite 1400** Phoenix, AZ 85004-3099



Agency Website: www.nlrb.gov Mobile App

Telephone: (602)640-2160 Fax: (602)640-2178

January 30, 2023

United Food and Commercial Workers International Union, Local 99, AFL-CIO, CLC 2401 North Central Avenue Phoenix, AZ 85004-1331

> Re: 3H Service System d/b/a 3H & 3H

> > Case 28-CA-311149

#### Ladies and Gentlemen:

The charge that you filed in this case on January 23, 2023 has been docketed as case number 28-CA-311149. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney Mehmet A. Kepir whose telephone number is (602)-416-4753. If this Board agent is not available, you may contact Supervisory Field Attorney Sara S. Demirok whose telephone number is (602)416-4761.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession.

Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records

Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

\* \* \*

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, <a href="www.nlrb.gov">www.nlrb.gov</a> or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Cornele A. Overstreet Regional Director

andell Brenton

#### Enclosures:

- 1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)
- 2. Copy of Charge

CAO/MAK/acp



# **Important Information About NLRB Investigations for Immigrant Workers**



### The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- ➤ Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

## Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
  - We will **NOT** ask you about your immigration status.
  - O You **DO NOT** need to share any information with us about your immigration status.
  - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will NOT disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

For more information on the NLRB, please visit our website, www.nlrb.gov.



### Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

## A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
  - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
  - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
  - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
  - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): <a href="https://www.justice.gov/eoir/list-pro-bono-legal-service-providers">https://www.justice.gov/eoir/list-pro-bono-legal-service-providers</a>.

Para más información acerca de la NLRB, por favor visite nuestra página web, <a href="www.nlrb.gov">www.nlrb.gov</a>.